Strengthening Tribal Justice

State and Tribal Cooperation Lead to Changes in Oregon Law

Also Inside:

Turning Over the Reins
Hiring Professional Managers Frees Attorneys to Practice Law

A Light in the World
Justice Adrienne Nelson Honored as New School Namesake
Legal Citizen of the Year
Award & Celebration

About the Honorees
We proudly recognize Mara & Rob Shlachter’s contributions to civic education and their dedication to young Oregonians through their work with Mock Trial by naming them as our 2021 Legal Citizens of the Year.

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The Jonathan J. Newman Legal Citizen of the Year Award recognizes a leader who exemplifies leadership in encouraging and instilling a respect for civic education in Oregon. Each year, the recipient is honored for demonstrating a commitment to the mission and principles of Classroom Law Project including advancing the ideals of civic education and inspiring future citizens.

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Beginning Jan. 1, 2022, Senate Bill 183 becomes law. It explicitly extends full faith and credit to judgments, decrees and orders of tribal courts of all federally recognized Indian tribes. It also strengthens the existing requirements and process for Oregon law enforcement and courts. Learn about how this important bill’s framework started as a magazine article in 1996 and relied on collaboration through the years to get to this point. Janay Haas reports.
After a year of tremendous hardship, how do we rebuild a more interconnected, equitable, resilient Oregon? How do we help each other recover, rebuild, and restart our lives and businesses? How do we start listening to and considering each others' point-of-view? How do we inject opportunity, across the state so everyone has a chance to add to the greater good? **The answer — Together.** Join us as we learn and share how to rebuild a better Oregon, for all Oregonians.
Staying Informed

I’m writing to thank the Bulletin for informing our legal community of the passing of members. I would not have known about the passing of beloved Prof. (David) Schuman or equally beloved Duffy Bloom. Their passing was a loss that deserved notice. I’m sure others share this experience and appreciate your acknowledgment of the passing of members of our community.

— Nyla L. Jebousek, Newport

Need an Access-to-Justice Solution

I refer to the article (“Examining the Pro Se Justice Gap”) in the July 2021 issue of the Bulletin written by Janay Haas. The primary justification for the existence of the bar is that it serve the justice needs of the citizens of Oregon.

The legal profession does not adequately serve the needs of the public because the low-income citizens and even a segment of middle-income citizens cannot afford the services of an attorney.

Haas, in her well-researched article, makes it clear that for many, legal services are unobtainable. Haas also establishes that many legal proceedings, both judicial and administrative, are too complex to be negotiated by the untrained.

Complex as this issue may be, it is time for a solution.

— William Mansfield, Medford

Be an Author

The Bulletin is always interested in reviewing quality manuscripts and submissions for potential publication within the magazine.

We publish articles on a variety of topics with particular interest in access to justice, diversity in the profession, recent trends in the law or in your specialty, professionalism, ethics, practice tips, legal history, practice management and your essays on law and life.

Recent examples of submissions and topic ideas include: a look at professionalism from a judge; an Oregon lawyer who has been practicing in Norway since 1999; the use of interpreters in courtrooms; and July’s profile of Major General Dan Bunch came straight from a reader suggestion.

We also welcome feature story ideas, profile subjects, your opinions on legal topics (“Parting Thoughts”) and even your photography (“Photo Finish”).

Have you noticed a topic you believe deserves more attention? Is there something we haven’t covered within these pages in quite some time?

This is your opportunity to be read by every member of the Oregon State Bar. For a younger attorney, it’s a chance to get your name out there and show what you know. For more experienced attorneys and judges, share some of your insights and background with a captive audience. As long as your article or idea is germane to the purpose of regulating the legal profession or improving the quality of the legal services available to the people of Oregon, let’s talk!

Feel free to reach out to Michael Austin at maustin@osbar.org or call (503) 620-0222, ext. 340.

Letters to the Editor

The Bulletin welcomes letters. They should be limited to 300 words. Preference is given to letters responding to letters to the editor, articles or columns recently published in the Bulletin.

Letters must be original and addressed to the Bulletin editor. Unsigned or anonymous letters will not be published. (There are exceptions. Inquire with the editor.) Letters may not promote individual products, services or political candidates.

Letters may be edited for grammatical errors, style or length, or in cases where language or information is deemed unsuitable or inappropriate for publication. Profane or obscene language is not accepted.

Letters to the Editor:
Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.

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By the Numbers

Oregon’s Access to Justice

The National Center for Access to Justice recently released its 2021 Justice Index, a ranking of all 50 states, the District of Columbia and Puerto Rico. The index considers four areas: attorney access, support for self-represented litigants, language access and disability access. A higher ranking means better access to justice.

Here is how Oregon ranks.

Ranking in West region (out of 13 states)
Overall ranking
Overall score
Scoring was based on a scale of 0-100. The District of Columbia led the way (64.80) followed by Maryland (64.68), Massachusetts (63.71), Connecticut (62.52) and California (61.60).

Free OPLA Roundtable Set for Sept. 14

The Oregon Patent Law Association (OPLA) will host a free Zoom roundtable on Tuesday, Sept. 14, from noon to 1 p.m., focused on patenting artificial intelligence and machine learning technologies. This will be an open discussion with Zoom breakout leaders assisting in directing the conversation to cover practical experience with drafting and prosecuting artificial intelligence and machine learning technologies. Both seasoned patent prosecutors as well as newer members are invited to join. For registration information, visit www.orpatlaw.org/event-registration/.

Multnomah County Presiding Court Update Coming Sept. 16

Multnomah County Presiding Judge Stephen K. Bushong will present an update on the state of the court and court operations in light of recent developments lifting many restrictions imposed during the COVID pandemic. The update is set for Sept. 16 from noon to 1 p.m. This Zoom seminar is designed for attorneys at all experience levels and questions are strongly encouraged. To register, visit www.tinyurl.com/Sept2021PresidingCourtUpdate.

OPA Hosting National Paralegal Convention from Oct. 7-10

The Oregon Paralegal Association is hosting this year’s National Federation of Paralegal Associations’ Annual Convention at the Downtown Hilton Hotel in Portland from Oct. 7-10. The convention provides an opportunity to attend CLE sessions, workshops, network with paralegals from across the country, advance the paralegal profession during the policy meeting and visit state-of-the-art legal vendor exhibitors. Chief Justice Martha Walters will be the keynote speaker, and the charity spotlighted will be the Multnomah Bar Foundation’s CourtCare Program. For more information on this event, visit www.paralegals.org.

Oregon eCourt Upgrade and Court Closures

The Oregon Judicial Department announced that all Oregon courts will be closed on Friday, Oct. 15, and online services will be unavailable from Thursday, Oct. 14, at 5 p.m. through Tuesday, Oct. 19, at 4 a.m. The closures will facilitate an upgrade to the Odyssey case management system, including the Oregon eCourt Case Information (OECI) system.

The Oct. 15 closures include all circuit courts, the Oregon Tax Court, the Court of Appeals and the Oregon Supreme Court. The four-day upgrade to the online systems, however, will not affect Oregon’s appellate court systems, including appellate efilings.

OSB members with business before the courts in October should check osbar.org for a link to further information.

Oregon LERA’s Annual Conference Taking Place Nov. 3

The Oregon chapter of the Labor and Employment Relations Association will hold its annual conference on Nov. 3 from 9 a.m. to 1 p.m. This year’s virtual conference, titled “Building on the Past to Shape the Future,” will feature a keynote presentation by economist John Mitchell, as well as updates on current cases, a discussion about expanding diversity among labor arbitrators and the group’s annual MAGGIE Awards. Tickets are $40 for LERA members and $60 for nonmembers. Registration is now open at www.lerachapter.org/oregon/events/oregon-lera-annual-conference/.
“My practice has been in the field of elder law and estate planning. I cannot speak to every area of practice, but being an Oregon lawyer in my field meant getting to know my fellow practitioners on a more personal level, sharing information and resources, and working together to improve the practice for each of us individually and as a whole.”

— Wes Fitzwater, founder of Fitzwater Law, reflecting on what it means to be an Oregon lawyer as he celebrates 40 years of Oregon State Bar membership. Read more from the newest 40- and 50-year OSB members, as well as learn about the latest OSB and pro bono award winners in next month’s Bulletin, as we publish with the theme of “Celebrating Oregon Lawyers.”

New Report Shows Lateral Hiring Plummeted in 2020

After remaining relatively steady in 2019, lateral hiring in law firms fell by more than 30% overall in 2020, driven in large part by the impact of the COVID-19 pandemic on recruiting. This steep falloff in 2020 occurred across all firm sizes, regions and cities included in the National Association for Law Placement’s (NALP) “Survey of Legal Employers on Recruiting” from 2020-21.

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Back to School

By Mark A. Turner

The Oregon State Bar Rules of Procedure require that attorneys who are sanctioned by public reprimand, suspension or suspension stayed in whole (or in part) conditioned on meeting certain probationary terms, must attend ethics school in order to return to the practice of law. BR 6.4.

Ethics school is a “one-day course of study developed and offered by the bar on the subjects of legal ethics, professional responsibility and law office management.” BR 6.4(a). Twice a year, usually in May and November, disciplinary counsel’s office (DCO) puts on a full-day presentation entitled “Legal Ethics — Best Practices” that meets this requirement.

In January 2018 I was appointed to the position of adjudicator for the disciplinary board and attended the May 2018 session, thinking it would be worthwhile to see what was in store for lawyers who were subject to the ethics school requirement. What I discovered was a remarkable resource I wished I had taken advantage of earlier in my career. Every lawyer in Oregon should go to ethics school. If we did, there would be fewer lawyers who are required to attend because they ran afoul of the Rules of Professional Conduct (RPCs).

The biggest revelation for me during the course was the number of ways the RPCs are implicated in legal practice. Multiple times I was surprised to find that the RPCs applied to a case or situation I had handled in my career and I had not even recognized it. I was relieved to find that I had not stepped over the line in these episodes from the past, but nevertheless chagrined to think I had not even noticed there was a line to step over to begin with. Here are some of the things you’ll learn in ethics school.

Resources. When I took the course, it began with an introduction to all the resources available to Oregon lawyers to keep us out of trouble — where to go when you have ethics questions (the OSB Office of General Counsel informal telephone ethics advice), Professional Liability Fund practice aids and advice, and Bar Books and Fast Case access included in your OSB membership. Prevention can be the simplest solution to many ethical dilemmas.

There was a presentation about the Oregon Attorney Assistance Program (OAAP). All too often ethics problems arise because of other underlying conditions such as stress/burnout, substance abuse, compulsive disorders, depression, anxiety, relationship issues and any other circumstance that may affect one’s ability to function effectively as a lawyer. The OAAP is another resource to help avoid an ethics issue down the road.

Law Offices, Communications. The presenters discussed law office formation and structures, as well as lawyer communications and advertising and solicitation of clients. The means by which we communicate and what we communicate to the public have always raised ethical concerns. Today, with the internet, we also face the possibility of highly public negative client reviews and the dangers presented by responding in kind. Moreover, even seemingly mundane concerns like law office management, docketing, timekeeping, and billing and collections are subject to the RPCs. Depending on the nature of your practice, issues also may arise regarding the supervision of others, whether lawyers or nonlawyers, that bring the RPCs into play.

Attorney-Client Relationships. How is the relationship formed? When does it begin and, sometimes even more crucial, when (or how) does it end? What duties arise when the relationship is formed? What duties continue after the relationship is concluded? Areas of concern here are, among others, confidentiality, competence, loyalty, candor, required communications and protection of client property. The course included a review of the rules governing fee agreements. This is an area with a variety of technical requirements that are easy to comply with but are often ignored in practice. For example, earned-on-receipt fee agreements are allowed, but they must be in writing and contain certain disclosures. Cases where lawyers have a written earned-on-receipt fee agreement yet fail to include these disclosures appear before the disciplinary board with undue regularity.

Conflicts of Interest. Knowing the rules regarding current client conflicts, former client conflicts and personal-interest conflicts (including business deals with clients) is important. Or at least knowing where to look to find them is. Sometimes such conflicts are waivable with informed consent. Knowing what conflicts can be waived and knowing how to properly obtain a client’s informed consent will make your life easier.
Duties to Others. These include duties to third parties, to tribunals, to opposing counsel and to represented and unrepresented parties. Instructors also discussed the rules governing other conduct. These include issues related to misrepresentation and dishonesty, criminal conduct and other personal conduct that may reflect adversely on one’s fitness to practice law. Sometimes our behavior when we are not acting as lawyers can put our professional lives or reputations at risk.

Professionalism. The RPCs set the floor, so to speak, for professional conduct. Do we aspire to do better than the minimum? How do we define that and how do we incorporate it into a law practice that effectively represents our clients while also respecting the humanity and needs of opposing parties, counsel and others we interact with in our role as attorney?

The curriculum involved a lot of hypotheticals, allowing attendees to put a practical spin on the discussion of the rules. I had practiced more than 30 years before I attended, so I had an abundance of personal experiences I could contribute to the discussions. As I mentioned at the beginning of this column, I was in for a few surprises as I applied what I was learning with 20/20 hindsight. I recommend the course to all lawyers, of course, but I believe that it might have more value once you have a couple of years of practice behind you. And it is never too late to learn these lessons.

Assist the Disciplinary Board

Whenever I write one of these columns, I end with a call for volunteers to serve on the disciplinary board. Disciplinary proceedings are matters of grave concern to respondents, to the entire bar and to the public at large. Participating in the process is a rewarding way to help provide an essential public service. I strongly urge all of you to consider volunteering. We are always looking for good candidates. The time commitment is not great, and volunteers no longer have to write opinions, except in the rarest of circumstances. The experience, however, is worthwhile. You can access volunteer opportunities through the bar’s website at: https://www.osbar.org/volunteer/volunteeropportunities.html.

Mark A. Turner has been the adjudicator for the disciplinary board since January 2018.
Know When to Combine, Separate Word Pairs

Sometimes It’s Sometime

By Elizabeth Ruiz Frost

Do you ever write in next to to and wonder whether they should be condensed to into? Or do you wonder what the difference is between some day and someday? If so, you’re not alone. Our language has a number of word pairs that are sometimes separate and sometimes compound, and because each version has its own distinct meaning, they cannot be used interchangeably. This month’s column breaks down when to use which of some of the most confusing word pairs.

Into/In To

One of the trickier pairs of words is in and to. Some writers tend to treat in and to like magnets: Whenever they are adjacent, they must be stuck together. I admire that approach because it leaves no questions and no grey area, but unfortunately it’s incorrect. So when should in to remain separated and when should the two words be collapsed to into?

The compound word into is a preposition that has two meanings. It can mean “within or inside,” or it can denote a transformation. In its first use, it acts as a positioning word that suggests one thing has been placed within something else. The placement can be actual or abstract. Below are examples of into in concrete and abstract contexts.

Concrete: When I bake banana bread, I put it into a basket to deliver to my mother.

Abstract: When Megan Fox smoked ayahuasca, she felt she had journeyed into hell.

In its second use, into describes transformation. Caterpillars turn into butterflies; Kanye West turns into a preacher; shave ice turns into syrup soup. And that is all that into can do: placement and transformation.

In and to, when written as separate words, are also prepositions. Those prepositions cannot merge when the in is part of a “phrasal verb.” A phrasal verb just means two or more words act together as a single verb. Phrasal verbs like break in rely on in for their meaning. The in is crucial to the phrasal verb’s meaning; notice that break in and break mean different things.

Now, sometimes that phrasal verb abuts a to. When that happens, resist the urge to collapse in and to into a compound word. Below, you can see how break in should be used in a sentence.

Correct: The thief broke in to my house.

Incorrect: The thief broke into my house.

Break in is a confusing one; one could say into in the example above is about placement. After all, the sentence describes the thief going inside another place.

But the in is part of that phrasal verb, so it would be incorrect to collapse the in and to in this example.

Turn in, drop in and log in, are also examples of phrasal verbs with the word in. The examples below show correct and incorrect versions of each of these phrasal verbs.

Correct: Please turn your memo in to your supervisor.

Incorrect: Please turn your memo into your supervisor.

Correct: I’ll try to drop in to the party after work.

Incorrect: I’ll try to drop into the party after work.

Correct: Log in to osbar.org to find The Legal Writer archives.

Incorrect: Log into osbar.org to find The Legal Writer archives.

Sometimes the to is part of an infinitive verb (e.g., to pick, to choose, to love). In those cases, too, when in and to are adjacent, they should remain separated. These “ins” and “tos” seem less ripe for error, but below is an example for good measure:

Correct: She ran in to find that her dog had trashed her house.

Incorrect: She ran into find that her dog had trashed her house.

I don’t think a single quick trick can help writers remember whether to use in to or into, but a moment of thought should do it. When stuck, remember to think about the limited uses of into, and about phrasal verbs and infinitives.

Someday/Some Day

Next up: someday and some day. They mean different things, but the distinction is fairly subtle. Someday refers to an
indefinite time period in the future but not to a particular day. Some day refers to an indefinite time as well, but it refers to an actual day. Compare the two examples below:

You’ll need to write this word someday, and you’ll be glad you read this.

The client is coming in for a signing some day next week.

I can’t help but think of Snow White when I hear the word someday. As she’s scrubbing her palace’s stone patio, she thinks of a better future and sings, “Someday my prince will come.” Had she a clearer picture of that future, she might have sung, “Some day in mid-April my prince will come.”

Sometime/Sometimes/Some Time

Some and time raise the bar for confusion because they provide us with three options: Some time, sometime and sometimes.

First, the two-word version, some time, refers to an allotment of time. It often suggests a long amount of time, though it doesn’t have to. Use some time if you could replace the phrase in a sentence with a long time or a while. Here are two examples of some time used correctly in sentences.

It took me some time to weed out the blackberries from my yard.

Please spend some time reviewing these documents.

Next, the compound word sometime is most commonly used as an adverb to refer to an unspecified point in time. Its adverbial use can be a bit dreamier than some time and sometimes. I have provided a couple sentences that correctly use sometime below.

Why don’t you come up and see me sometime?

Sometime last night, a burglar stole my bike.

As you consider whether to use the adverb sometime, keep in mind that it can usually be replaced by someday or at some point.

Note, however, that sometime can also be used as an adjective. Traditionally, sometime meant “former,” though writers now use it to mean “occasional” or “on and off.” Therefore, “My sometime client” could mean either the client I no longer have or the client who occasionally uses my services. Beware ambiguous words!

Finally, the compound word sometimes (with an s) is an adverb that means “occas-
sionally” or “once in a while.” As an adverb, it must modify a verb. Britney Spears nailed the use of sometimes in her aptly titled song, “Sometimes”:

Sometimes I run. Sometimes I hide. Sometimes I’m scared of you.

Believe it or not, that’s a love song.

Maybe/May Be

Maybe and may be are different parts of speech and writers should use them in different contexts. Maybe is an adverb. You know what it means: perhaps or possibly. It would describe another verb.

May be, when written as two separate words, are two verbs that combine into a verb phrase. They would serve as a sentence’s action. The phrase can mean “might be” or “will be permitted to be.” To show the difference between the adverbial and verbal use, consider the difference in these sentences:

Maybe I’ll go to the party. But I may be late.

The first maybe acts as an adverb because it modifies the verb “go.” It is not the action itself. In the second sentence, may be is the very action in the sentence; it’s what the subject (here, “I”) is doing.

May be and maybe serve different purposes in sentences. Nevertheless, when some writers see may and be close to each other, they erroneously collapse them together. Avoid the urge. Instead, think critically about the purpose the may and the be serve in the sentence.

Conclusion

Memorizing all these rules is a challenge, and I wouldn’t judge a writer for momentarily forgetting about phrasal verbs and adverbs. If you find yourself stuck, use this hot trick: look the words up in a dictionary. I’d say Google it, but some times you find advice on the internet that maybe wrong.¹

Elizabeth Ruiz Frost teaches Legal Research and Writing and other courses at the University of Oregon School of Law.

ENDNOTE

1. If you have to tell people that you’re joking, the joke isn’t funny. Still, this sentence is a joke.
A large majority of the bills introduced in an Oregon legislative session don’t make it to the finish line. One bill that did make it in 2021 will save lives. And it will likely be a model that other states emulate.

Beginning Jan. 1, 2022, Senate Bill 183 becomes law. It explicitly extends full faith and credit to judgments, decrees and orders of tribal courts of all federally recognized Indian tribes. It also strengthens the existing requirements and process for law enforcement and courts throughout the state to respond to and enforce violations of tribal orders and strengthens and clarifies requirements for sheriffs’ offices to enter tribal court protection orders into the state’s Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC) database when requested.

Article IV, Section 1 of the United States Constitution requires that “[f]ull faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state.” But the Constitution never contemplated a government-to-government relationship with Native people. The concept of tribes as sovereign nations developed slowly in Anglo-American jurisprudence, and at a relatively late date in U.S. history. The extension of full faith and credit to tribal judgments and orders is still evolving.
For lawyers whose experience with full faith and credit is limited to matters between states, it may come as a surprise that federally recognized Indian nations — 574 of them in the United States — face significant obstacles in having their judgments and orders honored outside their own jurisdictions. In Oregon and around the country, the result has been that repeat drunk drivers have kept their licenses, juveniles have been subjected to federal incarceration, child support has gone unpaid, damage awards have gone uncollected, and victims of domestic violence and sexual assault have been unable to rely on sheriffs’ and police departments to enforce protection orders.

At the same time, federal statutes and the U.S. Supreme Court and lower federal courts have constrained the authority of tribal governments to enforce their laws against nontribal members. In consequence, says the Hon. William D. Johnson, chief judge of the Confederated Tribes of the Umatilla Indian Reservation, “drug dealers, child abusers, sex traffickers, and rapists have perceived Indian country as a safe haven from law enforcement.”

The severity of the problem is difficult to overstate. Native Americans are victims of violent crime at rates more than double those of any other demographic group in the United States. According to the U.S. Department of Justice, Native American women are 10 times more likely to be murdered than any other U.S. citizens. More than a third of Native women experience rape, and almost 40 percent are victims of domestic violence — most often by a nontribal member. These statistics motivated Congress to add a provision specifically addressing Native women’s safety in the Violence Against Women Act (VAWA) when it was reauthorized in 2005 and later in 2013 (S. 47, 113th Congress, 2013-2015). VAWA made clear that nontribal members would be subject to tribal court jurisdiction in circumstances constituting domestic violence.

VAWA also specifically requires that protection orders issued by a state, Indian tribe or territories be accorded full faith and credit by the court of another state, Indian tribe or territory, and enforced by the court and law enforcement personnel of the other state, Indian tribal government or territory as though it were the order of the enforcing state (18 USC sec. 2265).

Before the passage of SB 183, tribal members who experienced domestic violence or sexual assault could obtain protection orders from tribal court. If they left the reservation and their attacker pursued them, however, Oregon law enforcement agencies rarely arrested the violator. It is specifically prohibited under federal and state law to require petitioners of foreign protection orders to register or file orders with state agencies. Therefore, it is common for tribal protection orders, considered “foreign orders” under Oregon law, not to be entered into LEDS or NCIC.

“Many law enforcement officers would expect to see tribal protection orders entered into a data system and would not properly respond to or enforce protection orders that were not entered,” explains Sarah Sabri, the domestic violence resource prosecutor for the Oregon Department of Justice Criminal Justice Division. “The lack of response puts victims/survivors in danger not just from the incident that occurred, but also by reinforcing to an offender that the state will not take action.” While existing Oregon law has laid out a process for the enforcement of foreign protective orders that are not in LEDS/NCIC, there were too many gaps and misinterpretations of the statutory language that resulted in lack of enforcement. Similarly, the current statutes created a framework for a petitioner to request entry of an order into LEDS/NCIC, but it too has left gaps that have prevented the system from working in the way that it was intended. SB 183 remedies these issues.

The Hon. Lisa Lomas, chief judge of the tribal court for the Confederated Tribes of Warm Springs for the past five years, says that all nine federally recognized Oregon tribes have had similar experiences to her own: victims who obtained protection orders from her court were told by outside law enforcement that they would need to get another restraining order from a state circuit court — experiencing the trauma of the courtroom again off-reservation and signaling their whereabouts to their abuser. People were afraid to trust the system, she says; women essentially were “trapped on the reservation” where they remained vulnerable.

“The right to travel is meaningful,” says Naomi Stacy, lead counsel for the Confederated Tribes of the Umatilla Indian Reservation. For victims of abuse, leaving the jurisdiction should not mean...
Strengthening Tribal Justice

leaving rights behind. “Protection shouldn’t end at the border.”

A related problem Chief Judge Lomas saw was that, even in counties that recognized the protection orders issued by tribal courts, clerks nonetheless required petitioners to pay to file them as “foreign judgments” when Oregon law prohibits charging a filing fee for domestic violence, elder abuse, sex abuse and related orders. “This should never have occurred.”

Protection orders were only one of many civil transactions that didn’t cross jurisdictional lines, adds Chief Judge Lomas. “Marriages, divorces, name changes — the Vital Records Office for Oregon would not register them.”

Chief Judge Johnson relates a problem with citing drunk drivers and suspending their licenses. “We submitted our judgments to DMV for action. DMV would respond, ‘You’re not a court in our jurisdiction. We can’t suspend.’ A driver with five or six DUII convictions would still be on the road.”

In his testimony before the Senate committee on the judiciary, Chief Judge Johnson gave more examples:

When someone moves from one state to another, they need to know that a divorce decree they obtained in the first state will be recognized in the new state. When a person sues another person for damages in one state, they need certainty that the order can be enforced even if the person who owes the money moves to another state. When a court issues a parenting plan, certainty is necessary to ensure that a parent cannot simply take the child to another state and avoid having to abide by the order.

Oregon finally created an avenue for those issues to be heard, when the Oregon Judicial Department and the tribes convened a Tribal Court State Court Forum in 2016. Attendees came from Umatilla, Warm Springs, the Confederated Tribes of Grande Ronde, the Klamath Tribes, the Burns Paiutes of Harney County, the Cow Creek Band of Umpqua Indians, the Coquille Tribe, the Confederated Tribes of Siletz, and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw — all corners of the state. The group, made up of judges from the tribes and the state, has met annually since then.

Oregon Supreme Court Chief Justice Martha Walters has participated in the forums. In 2018, she asked the Indian Law Section of the bar to craft a proposal to address the gaps in recognition and enforcement of tribal judgments and orders. The section enlisted Martha Klein Izenson of the Native American Program of Legal Aid Services of Oregon to research how other states had approached these problems; Izenson and three law students produced extensive research in response.

The few states that had addressed the problems tended to impose procedural rules, but for Walters, it made more sense for statutory gaps to have statutory remedies. As she explained in a letter to Izenson, “The UTCRs are intended to provide Oregon courts and litigants with procedural directions, but not to fill statutory gaps, impose certain standards for judicial decision-making, or affect the rights of the parties.”

“Justice Walters deserves a lot of credit for the development of this bill,” says Chief Judge Johnson, who first had written about the need to facilitate recognition in a 1996 article appearing in The Tribal Court Record (pictured below). Chief Judge Lomas agrees: “She gave us really good help.” Kristen Winemiller, a member of the executive committee of the section, remembers, “When Chief Justice Walters, Warm Springs Chief Judge Lo-
However, any foreign protection order is valid and enforceable in Oregon immediately on the petitioner’s arrival in the state without the need to file with either the sheriff or the circuit court. If there has been a violation of a foreign restraining order, the protected party may present an electronic or physical copy to the responding officer and provide information regarding service and validity; an officer with probable cause that the order has been violated shall arrest, just as the officer is required to do when there is a violation of an Oregon-issued protective order.

One of the problems previously voiced by law enforcement responding to violations of protective orders not entered into LEDS/NCIC was the possibility of claims of false arrest. SB 183 also added a liability disclaimer that state or local agencies, law enforcement officers, prosecuting attorneys, court clerks or governmental officials acting within an official capacity are immune from civil and criminal liability for the registration, entry or enforcement of foreign restraining orders or the arrest or detention of an alleged violator if the act was done in good faith and without malice in an effort to comply with state and federal law.

Once the new law takes effect, training for judges and law enforcement will begin. The Oregon Department of Justice has already been engaged with police about the issue for the past two years, says Sabri. According to Jason Myers, executive director of the Oregon State Sheriffs’ Association, the Civil Command Council offers training in the spring and fall and will include SB 183 in its instruction.

Compared to approaches taken by other states, Oregon’s stance is unequivocal in its recognition of tribal authority. As Izenson puts it, “Tribal members are citizens of tribal sovereign nations, in addition to being citizens of the state in which they reside, as well as United States citizens since 1924. Accessing justice through one’s own sovereign court is an essential and pivotal right for any citizen. For that to be meaningful, judgments from one court need to be recognized by another court in order to be enforced.”

“This statute reinforces what we know: that we are equal,” adds Chief Judge Lomas.

Janay Haas is a frequent contributor to the Bulletin. Reach her at wordprefect@yahoo.com.
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Nationwide
Their titles and range of responsibilities vary, but professional managers of law firms fulfill one general purpose: to handle the business side of running a legal practice.

Delegating nonbillable tasks to administrators allows attorneys “to do what they do,” says Traci Ray, executive director of Barran Liebman since 2013. “It’s a really smart idea to have a strong, intelligent team overseeing the business of the firm so that lawyers can practice law.”

For Kathee S. Nelson, director of operations for Parsons Farnell & Grein, the reasoning is as straightforward as this: “Your job is to practice law, but you’re also the owner of a business. That takes time and different areas of knowledge not taught in law school.”

The trend, previously more common among big East Coast firms, has taken hold in Oregon over the past several years. Schwabe, Williamson & Wyatt, one of Oregon’s largest law firms, broke with its 125-year tradition in 2017 and created the CEO position, then appointed attorney Graciela Gomez Cowger to that role.
Turning Over the Reins

These new positions are an “indication of the realization that a law firm must be run as a business,” says Bill Wright, firm administrator of Lindsay Hart. Competition is increasing, he says, so maximizing profitability requires having “more business controls in place.”

Wright, who holds a master’s degree in business administration, says law firm managers “have to know a little about everything” related to the business of law. The job is not easy but is exciting and rewarding, because a manager builds connections with every individual in the firm, and makes decisions affecting everyone. Says Wright, “Although in most law firms the big decisions are ultimately made by the designated partners of the firm, you have a say in whether the firm is profitable. You empower people’s daily work lives.”

Shauna Manner, firm administrator of Larkins Vacura Kayser, who, like Wright, has an MBA, agrees that professional managers must possess broad knowledge, and that a business background is useful. As a result, Manner, who serves as president of the Oregon Chapter of the Association of Legal Administrators, says she and many of her counterparts in law firms turn to professional organizations such as ALA to help them manage the various aspects of their work.

For instance, she holds a Certified Legal Manager certification from the ALA, in addition to certification from the Society for Human Resource Management and from the Human Resource Certification Institute. And, depending on the scope of their respective duties with a law firm, her colleagues may belong to these or other specialized organizations such as the Legal Marketing Association or the International Legal Technology Association.

Making Difficult Return-to-Work Decisions

Manner adds that interacting with peers through these groups has been especially useful when assessing how and when to return to the office during the pandemic, which continues to be a source of stress for legal managers.

Some of the 100 members of her association handle only specific areas such as human resources and recruiting, while those such as Manner manage all of the firm’s business operations.

Steven T. Seguin, chief operating officer of Sussman Shank and a past president of the ALA Oregon chapter, says the pandemic has underscored the importance for firms to have professional management in place. Seguin has compiled over 30 years of experience in the legal industry, and he says COVID-19 has caused “a seismic change.”

It’s Seguin’s job to develop and implement a return-to-work strategy. “How people work will change. I don’t think we’re ever going back to the model we had. There will be a remote component. The market is going to decide part of that. We’re looking at the challenges and opportunities of working in a hybrid model, not one-size-fits all. I feel that the firms that can do that are going to be successful.”

Seguin adds: “People in my role now have really been challenged.” The psychological aspect of being separated from your peers, colleagues and clients has exerted the greatest impact, he says. “Keeping the firm together and people’s spirits up has been a substantial challenge. How do you maintain your culture and relationships?”

Lindsay Hart’s Wright agrees: “Firms are going to have to ask themselves difficult questions (such as), ‘Are you willing to lose some people if they prefer remote and the firm has a policy requiring work in the office?’ I personally think it’s a fundamental paradigm shift from people’s view of how they interact with their employer.”

In the beginning, most people didn’t think of working remotely as a benefit, but “people adjusted to it, and in some ways, it has become a benefit. It’s been incredibly difficult to have such a change of the status quo,” he says. The pandemic forced fast change on a profession that normally is slow to change.

In addition, remote work compelled firms to focus on cybersecurity because “law firms are a profitable target for bad actors,” Wright says. “It only takes one click to ruin a business,” he says, referring to ransomware attacks. His five-year plan for the firm got compressed into one year. Fortunately, he had set up a team that helped firm members and staff be able to work remotely quickly in the event of a disaster. “That’s one element of why you would want someone who knows a little bit about everything, or you’re restricted on what you can do and plan for,” he says.

Lawyers as CEOs

Most legal managers in Oregon are not lawyers. Two notable exceptions are Ray and Cowger.

As part of a two-year process to establish a new strategic plan, Schwabe decided in 2017 to create the CEO position after 17 years of co-leadership under Mark Long as managing partner and David Bartz, Jr. as president. According to Long, who served on the selection committee to fill the new position, “We identified the qualities we wanted in a leader and set up a rigorous process.” Cowger, the eventual pick to fill the role, brought “fresh ideas and enthusiasm.” In addition to that, says Long, unlike many lawyers, “she thinks linearly. A lot of lawyers do not.” That kind of thinking lends itself well to taking an organization and “getting it to the goal line,” he says.

Cowger had worked as an electrical engineer before practicing law and says, “that experience instilled in me a lifelong interest in innovation and process efficiencies and metrics.” She believes her background in the technology industry gave her a

Opposite Page: Traci Ray leads a group in her role as executive director of Barran Liebman. She has served in this capacity since 2013.
valuable perspective on a changing world that sharpens her role as CEO.

Edwin A. Harnden, co-managing partner and previously sole managing partner of Barran Liebman (for a combined 36 years), calls Schwabe’s move to appoint Cowger “a great hire,” and says his own firm’s appointment of Ray as a lawyer and executive director brings similar “credibility with lawyers.” He acknowledges lawyers don’t want to be told what to do, which makes the transition to a full-time executive director a tricky one. You need full buy-in from everyone at the firm.

In today’s complex legal world, an attorney with a full-time practice cannot oversee and run all aspects of a firm as effectively as a legal manager, says Harnden. “The things you’re missing are not just monitoring, but, ‘How do we get ahead of the game?’”

Harnden also notes that “firms have had administrators and office managers, but that’s different from being an executive director.” In that role, Barran Liebman’s Ray is responsible for all four core business initiatives: marketing, technology, finance and management, including recruiting and retention, as well as overall day-to-day operations.

Ray, chair of the American Bar Association’s Law Practice Division, says law firms in the South and on the East Coast historically have staffed positions such as hers more than in other regions. But she observes that more law firms elsewhere are joining “a whole world of professional services firms” in realizing the value of hiring one or more individuals to manage the business for them.

“They are saying, ‘We want to practice law, and to do that well, we need a professional to manage the business side of our firm,’” says Ray. As part of her position, she shares with Barran Liebman’s co-managing partners Harnden and Andrew Schpak the task of recruiting, training and retaining associates, as well as support staff.

“It’s a fun, faced-paced job,” Ray says. “You have to be a problem-solver, a quick-implementation type of person. It’s exciting watching people enjoying their job. That’s my ultimate goal: I want an environment where attorneys can love their profession and do their best work.”

She adds that being a lawyer herself has been an advantage, one that has helped her build trust and rapport with firm members over the years. Ray says her job is “consistently challenging, and one complex aspect of that is that you’re making decisions about people’s hard-earned money. Everything you do is affecting the bottom line. Managing your peers can be a wonderful experience if you have built a foundation of confidence.”

Shayda Zaerpoor Le, a partner with Barran Liebman, says Ray relied on her own involvement with multiple legal and community organizations while recruiting Le and helping her develop into a partner. When Le was an associate at another firm she applied for a position at Barran Liebman that already had been filled. Ray nevertheless met with her and, over a period of time, encouraged Le to join, and eventually to lead or co-lead, various law-related groups. When the firm had a later opening, Ray asked Le if she was interested in applying and interviewing. “Through the course of that engagement, we both developed a more meaningful understanding of each other, and as a result, when I applied for the opening at Barran Liebman, I also knew a lot about Traci and the firm culture before doing so,” Le says. “Her engagement with not only the firm, but with lawyers in the community, is a lot of what uniquely places her to facilitate those connections and to develop meaningful relationships. This approach extends not just to hiring, but to internal development, and the way that she helps to facilitate career planning for people who work at our firm, as well as relationship-building between attorneys and staff.”

A Legal Assistant Background

A common route to becoming a firm administrator or manager is to start out as a legal assistant. This was the path followed by Nakia Bradley-Lawson, director of operations and facilities at Gevurtz Menashe.

“It has helped me tremendously,” she says of being a former legal assistant. “Mostly because I know what it takes to get what attorneys are looking for.”

Now at the firm for about 14 years, Bradley-Lawson shares management duties with a director of finance and a director of recruiting and training. Her own responsibilities include overseeing technology initiatives and implementations; developing and implementing policies about how work gets done; overseeing maintenance of the two buildings owned by the firm; and supervising construction and design of new buildings. She also manages staff and works with the director of recruiting and training to oversee new employee training.

“I believe with the two other administrators and two managing partners, that collectively we can solve anything,” Bradley-Lawson says.

Kaci Price, office manager of Lynch Conger, a firm based in Bend and with an office in Portland, also came up through the ranks. She started out as a legal clerk in a law firm, then moved to head receptionist, then legal assistant, working in firms of different sizes that had different emphases, which gave her “a broad background in the legal field,” she says. Price gained a total of 17 years of legal experience working as a legal assistant in business, estates and trusts, probate and civil law.

She manages the firm’s accounting, financial and business operations, as well as human resources. Her experience allows her to jump in and support legal assistants, paralegals and attorneys in all areas of the firm. That experience gave Price “a better understanding of staff needs and attorney needs due to the fact of having done that work before,” she says. “I still have associates come to me and say, ‘I have this legal question.’ It’s definitely helped me in my role as the...
office manager. There is trust built there. I understand and can work through a client, staff and attorney point of view, which makes things easier for me to understand. It’s a hard position, but I love what I do.”

Parsons Farnell & Grein’s Kathee Nelson also began her three decades of experience as a legal assistant. Although she says she knows successful law firm managers who don’t have that background, “for me, it has been invaluable. In working with staff, when they explain their needs, I understand their concerns.” And in working with attorneys’ billing and finances, she is familiar with the ethics of legal practices, such as keeping client funds separate, Nelson says. She reminds attorneys if they are spending time working as their own secretary, they are missing out on billable hours.

Nelson says the downsizing at many firms as a cost-saving measure during and following the Great Recession often proved counterproductive. “It became clear (to attorneys) that you can’t bill if you’re doing recruiting and HR,” and also that they may lack the “skill and knowledge that goes into functioning in those roles. It doesn’t work if you don’t have that background.” She believes the attempt to wear too many hats reinforced the value of having a legal manager.

Granting Autonomy

Like Lindsay Hart, the Hershner Hunter law firm in Eugene was fortunate, in the face of the pandemic, that its firm administrator had helped lead preparations toward what was envisioned as a paperless office. Jeffrey S. Cook joined Hershner Hunter as firm administrator in 2000. The firm transitioned to a cloud-based financial and practice management system and electronic client records a couple of years ago, giving its attorneys the capability of working at home when needed.

“We’ve always had an IT manager. Having that person in-house leading up to and during the pandemic was a real benefit,” he adds.

Cook, who earned a master’s degree in health care administration and worked in that field for 15 years prior to his stint at Hershner Hunter, functions like a chief operating officer. He says no two days are the same, which he loves but also finds challenging. Recently, staffing for legal assistants has become an area in which he’s needed to adjust his thinking. “We’ve seen a decrease in qualified applicants the last five years, to the point where we’ve changed our model,” he says while adding that the firm now is willing to hire talented people who don’t have as much experience.

“To succeed in a professional practice manager’s role, you have to work side-by-side with the firm’s managing partner or CEO to help set the direction you’re going, so that the rest of the professionals are following,” Cook observes.

Lindsay Hart’s Wright concurs: “It’s hard for folks to give over that control if they have never had a nonattorney manager. Firms need to decide: What are they going to give up and why? It’s important that autonomy be given to the person. The business manager needs a seat at the table. That’s really difficult for a partnership.” He sees the situation as similar to why a client hires an attorney: because of that lawyer’s training, education and experience. If the firm

doesn’t grant that same consideration when hiring a manager, the relationship is “likely not going to work out,” Wright says.

Sussman Shank’s Seguin says his firm’s business management philosophy from its founding was that its attorneys “want to practice law and take care of our clients. They’ve always given me a fair amount of autonomy to manage the business operations of the firm. I really enjoy my role in this firm.”

Hansary A. Laforest, an attorney with Sussman Shank and a member of the Oregon State Bar Civil Rights Section Executive Committee, echoes the sentiment that putting a professional manager in charge of the day-to-day details of business and operations gives law firms a tremendous advantage. Laforest, who previously practiced in New York state and Texas and has nine years of courtroom experience, is particularly able to see the contrast, because his previous firms lacked this asset. An example he points to is that, after the George Floyd killing last year prompted a movement and a renewed emphasis on racial justice, COO Seguin recognized the need to develop an internal diversity committee at Sussman Shank, which he asked Laforest to chair. Seguin also connected with his counterparts managing other law firms to gauge how they were approaching diversity and inclusion issues. “That wouldn’t have happened if we didn’t have someone who was able to step back” and see what the firm needed to do to address the issue, and to determine how Sussman Shank could increase its commitment to recruiting and retaining diverse staff members, Laforest says.

Over the 11 years John R. Griffin has been firm administrator for Saalfeld Griggs, Salem’s largest law firm, his areas of responsibility have expanded. “As I’ve grown in the position, it’s become more strategic, rather than, ‘What do we need to do to keep the firm going?’” he says.

“It’s a challenging job, and attorneys like to see fact and precedent,” Griffin says. “You always have to be prepared with numbers. They like to see data.” He works closely with the managing partner and feels that a synergy results from having both an “attorney manager and nonattorney manager. It kind of balances us both out.” For example, sometimes legal managers “get focused on payroll, without fully understanding the impact on the firm. I enjoy having an attorney to bounce ideas off of,” he says.

Depending on their size, location and specialty areas, law firms may charge professional managers with varied duties, but their overall objective is the same, Griffin says.

“Every administrator has different roles, but the end result is to help the firm progress and move forward, and we provide support the best we can.”

Cliff Collins is a Portland-area freelance writer. Reach him at tundra95877@mypacks.net.
Long before she became the first African American Oregon Supreme Court Justice, Adrienne Nelson stood out as a bright, courageous Arkansas teen. When her high school tried to shoehorn in a white student as valedictorian even though Nelson had the highest grades, her family brought in civil rights attorney John W. Walker. Walker successfully defended Nelson’s right to stand at the head of the class.

Now Nelson will once again be an inspiration in the classroom, when a high school in Happy Valley bearing her name rings its inaugural bell this fall. Adrienne C. Nelson High School, located at 14897 SE Parklane Drive, held a grand opening ceremony Aug. 16. Nelson High’s first day of school is set for Sept. 7. It is the first high school to be named after a woman of color not only in North Clackamas School District, but in all of Oregon.

Nelson says that when she received this ground-breaking namesake honor, she thought about all of the women who fought for suffrage and anyone who was ever denied the right to vote, including Black men. She views this honor as an opportunity to offer the community a glow of hope.

“I want to be a light in the world,” Nelson says. “I think we all can be light, and that’s what I want them to know.”

A longtime Leader in the Law

Nelson didn’t know her own path at first, but she always understood that she was meant to help others. As a child, Nelson believed she was destined for pediatrics, but three things shifted her path from medicine to law:

- Aptitude tests her guidance-counselor mom recommended pointed to helping professions such as law,
- Walker himself invited her to work in his law office and
- The acrid odor of formaldehyde.

“I didn’t like the smell of formaldehyde, and I realized I was going to be smelling a lot of it if I went down this path,” Nelson says.

Once she’d chosen a new field, she eagerly began to find her way in it. She accepted Walker’s offer and spent summers working in his law office. Starting first with clerical work, Nelson eventually inspired so much trust in Walker that he assigned her to interview families who were considering joining a class-action lawsuit. She graduated from the University of Arkansas with a double major in criminal justice and English. This time, no one contested her status as the best in her class, and she graduated summa cum laude. Nelson then relocated to the Lone Star State to attend the prestigious University of Texas School of Law.

In 1994, after law school, Nelson moved to Oregon, kick-starting her career as a public defender with Multnomah Defenders Inc., a nonprofit public interest firm, where Nelson could serve the community as a public defender. She later became an associate with Bennett Hartman Morris & Kaplan LLP, a labor and employment firm.

Opposite Page: Growing up in Arkansas and attending law school in Texas, Justice Adrienne Nelson has made Oregon her home since 1994.
Nelson proceeded from there to support the community in a different capacity, as senior attorney/coordinator at Portland State University’s Student Legal and Mediation Services.

Nelson shifted roles from lawyer to judge when Gov. Ted Kulongoski appointed her as a judge on the Multnomah County Circuit Court in February 2006. Nelson was re-elected to a new six-year term in 2012. After that, Nelson advanced to Oregon’s highest court when Governor Kate Brown appointed her to the Oregon Supreme Court to replace retiring Justice Jack Landau. Nelson was elected to a six-year term in November 2018 as an associate justice.

“I was honored to appoint Justice Nelson to Oregon’s highest court in 2017,” Brown says. “With her contributions on the bench and her work on civil rights issues, she embodies Oregon’s pursuit of ensuring equity and justice for all Oregonians, particularly those from communities our justice system has historically underserved: Oregon’s Black, Latino, Latina, Latinx, Indigenous, Asian, Pacific Islander, Tribal and communities of color.

“We have more work to do to overcome the historic disparities in Oregon’s systems and institutions. Our public schools provide students with the opportunities to break down long-standing barriers to participate in and lead core social institutions. I’m so pleased that the students of Happy Valley will have a role model like Justice Nelson to inspire them for generations to come.”

Nelson was the first African American to serve on the Oregon Supreme Court, or on any state appellate court in the state. But she was not the first Black female judge or lawyer in Oregon — that was Mercedes Deiz, Nelson’s inspiration. Deiz, who died in October of 2005, told Nelson something that no one else ever had.

“She said, ‘I’ve watched you, and I hope I live long enough to see you become a judge,’” Nelson recalls. “I was speechless. No one had ever said that to me, that I could be a judge. But she planted a seed.”

A Leader in the Community

Considering all she’s accomplished so far in her career, it may be surprising to think that Nelson did not initially consider becoming a judge. Also surprising? She’s a classic introvert.

“People assume I am an extrovert,” she says. “I am not. I am an introvert. I learned early on, I don’t remember what it was, but I was not quite able to speak up for myself about something and made assumptions, and I didn’t like the outcome. I realized I would have to build up my strength and my confidence. … I just need the silence of my house afterward so that I can recharge.”

Nelson may prefer quiet time at home, but she spends a great deal of time out in the world. She’s a member of the Oregon Minority Lawyers Association, Oregon Women Lawyers, Multnomah Bar Association, Oregon State Bar and the American Bar Association.
Not only is Nelson a member of many legal groups, she also freely gives her time to the community. After becoming a judge, she joined the Reed College Board of Trustees, Oregon Historical Society Board, Literary Arts Board and Oregon Community Foundation’s Metropolitan Portland Leadership Council.

Nelson has also served as president of the Owen M. Panner American Inn of Court and chaired the Lewis & Clark Law School Roosevelt Robinson Minority Scholarship Committee. In addition, Nelson sat on the Self-Enhancement, Inc. board of directors and the Girl Scouts Beyond Bars advisory board, both of which she formerly chaired.

As she has moved through the community, she has gained strength and support from friends and mentors. Among them, the first woman on the Oregon Supreme Court, Betty Roberts, and Attorney General Ellen Rosenblum. As a lawyer, Nelson argued cases in Multnomah County Circuit Court before Rosenblum, who always encouraged her, Nelson says.

Rosenblum says she is proud of Nelson and thrilled to see a school named after someone whom the community admires and respects.

“Let’s face it, names are important,” Rosenblum says. “Adrienne Nelson is now an historic figure in Oregon. She deserves to have a legacy that (though she is quite young still) outlasts her. By having her name on the high school, her history-making and legacy will be shared with thousands of young people who will aspire to meet her, learn about her and, most importantly, see her as a role model and ‘influencer’ in their lives. What’s better than that for our youth today?”

Rosenblum not only is a supportive colleague, but offered valuable guidance to Nelson as a young attorney, encouraging her to join the American Bar Association in 2001. Nelson became an Oregon State Bar delegate, a member of its minority caucus and currently serves as the Oregon State delegate.

“I am grateful that people want to connect with me,” Nelson says. “That’s my gift.”

“It’s something I never expected. ... To be told a school is going to be named for you is a beautiful, beautiful experience.”
“North Clackamas School District is honored to have Justice Adrienne C. Nelson as the namesake for our newest high school,” says a joint statement from North Clackamas School District Superintendent Shay James, Assistant Superintendent of Operations Cindy Detchon, Executive Director of Equity and Instructional Services Shelly Reggiani and Communications Specialist Seth Gordon. “For generations to come, her name will adorn the school building and serve as a banner for the community to unite behind. More importantly, we have created a partnership with an advocate for children and education who will walk our halls and interact with our students.”

Nelson says she’s already received celebrity-like treatment from community members, inspiring delight in a young man working at the McDonald’s drive-through one Thursday evening. Nelson doesn’t mind being recognized. “That is just part of my life now, which is good,” she says. “It’s just nice to be able to be connected to young people. It’s something I never expected. ... To be told that a school is going to be named for you is a beautiful, beautiful experience.”

“The greatest achievement is being my daughter’s mother,” Nelson says. “I’m very, very proud of her. I didn’t take becoming a parent lightly, and I wanted to be sure that I gave her everything that she needed to live her life on her own terms and as a Black woman and to be fearless. I am so proud of the person she is because she means the world to me.”

Now that Nelson is the namesake to a new high school, her daughter certainly has reason to return the sentiment.

New School’s Namesake

The North Clackamas School Board chose to name the new high school after Nelson following several discussions with extensive community input.

She has been lauded for her devotion to the community she loves, as well. Nelson was recognized with the Oregon Women Lawyers Judge Mercedes Deiz Award in 2003 for advocating for women and marginalized groups in the legal profession and in the community. But it is far from her only honor.

Nelson has garnered the Oregon State Bar President’s Public Service Award and previously received the Multnomah Bar Association’s Award of Merit and the Oregon State Bar’s Diversity and Inclusion Award. Lewis & Clark Law School also recognized Nelson as a distinguished honorary graduate for her diversity and mentoring activities at the school. But that’s not what Nelson counts as her most notable feat.

“I can tell you that my greatest achievement is being my daughter’s mother,” Nelson says. “I’m very, very proud of her. I didn’t take becoming a parent lightly, and I wanted to be sure that I gave her everything that she needed to live her life on her own terms and as a Black woman and to be fearless. I am so proud of the person she is because she means the world to me.”

Now that Nelson is the namesake to a new high school, her daughter certainly has reason to return the sentiment.
The $97 million expansion of the middle school included the addition of 16 classrooms, a college and career center, a health center, performing arts areas (such as a black box theater and auditorium), a varsity gym and a weight room. Nelson enjoyed visiting the new school and revels in the idea of inspiring students.

“As a namesake, Nelson provides representation for our students, and as a champion, she will inspire all young people to fulfill their dreams,” the school district’s joint statement says. “Her legacy will be a gift to our district and the community as a whole.”

That’s just the kind of light Nelson wants to be and the light she wants others to see.

“I’m proud that people see my light, and I’m often told that showing up as my own authentic self gives other people the opportunity to do the same, and that’s very important to me,” Nelson says.

Jillian Daley is a Portland-based journalist and communications professional. Reach her at jillian@pdx.edu.

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**Legal Ethics Assistance**

The bar’s General Counsel’s Office is available to discuss prospective legal ethics questions related to a member’s own conduct. A staff attorney can help identify applicable ethics rules, point out relevant formal ethics opinions and other resources and share an initial reaction to callers’ ethics questions.

The assistance that bar staff provides is informal and nonbinding and is not confidential; no attorney-client relationship is established between callers and the lawyers employed by the Oregon State Bar. (Lawyers seeking confidential ethics advice about the propriety of their previous decisions or actions should consult a private attorney.)

Members with questions can call the ethics helpline at (503) 431-6475 to be connected to the first available bar staff attorney.
Litigation Update

Board of Governors Remains Committed to Unified Model

By David Wade

Current Status
Crowe v. Oregon State Bar
Gruber v Oregon State Bar

Both Oregon cases were dismissed at the district court level, and the plaintiffs appealed. The 9th Circuit Court of Appeals heard oral arguments on May 12, 2020. On Feb. 26, 2021 a three-judge panel of the Court of Appeals affirmed in part and reversed in part the court’s dismissal, and remanded the case back to the district court for further proceedings. While the 9th Circuit Court of Appeals panel affirmed the district court’s opinion on the freedom of speech claim, it remanded the case for additional review in regards to the freedom of association claims. Meanwhile, both plaintiffs have filed writs of certiorari with the United States Supreme Court. The U.S. Supreme Court is scheduled to consider the petitions at its conference Sept. 27, 2021.

In a similar case from Texas, the 5th Circuit Court of Appeals recently upheld the constitutionality of much of the work of the Texas bar; however, it found some activities not to be germane to the bar’s purpose of regulating the legal profession and improving the quality of legal services. It has been remanded back to the district court to fashion a remedy. Other cases continue apace across the country. Check osbar.org for updated information as warranted.

Multiple Regulatory Models

The 5th Circuit decision highlights conversations taking place nationally around various models for state bar structure and governance. Models can be examined in three main categories.

One is the Oregon model, where the OSB functions as an instrumentality of the judicial branch with the court having ultimate authority over regulation of the legal profession (admissions, discipline, etc.), and where operations and other bar programs are overseen by a board of governors. OSB Board of Governors members are elected by the membership within seven regions in Oregon and one out-of-state region, while the court appoints members to the Disciplinary Board, the Board of Bar Examiners, the State Professional Responsibility Board and the Unauthorized Practice of Law Committee.

In Colorado, the Colorado Supreme Court directly regulates the practice of law through its Office of Attorney Regulation Counsel, Office of the Presiding Disciplinary Judge, Colorado Lawyer Assistance Program and Colorado Attorney Mentoring Program. The court appoints a 12-person advisory committee to review the productivity, effectiveness, and efficiency of the entire regulatory system. Meanwhile, a secondary statewide voluntary bar functions as a nonprofit association governed by a board elected by membership. The Colorado Bar Association provides benefits to its members, including CLE programming and online legal research tools.

Third, the California model is somewhat of a hybrid, with the State Bar of California functioning as an arm of the California Supreme Court and conducting all regulatory functions on behalf of the court. The SBC Board of Trustees is comprised of seven lawyers and six non-lawyers, with appointments to the board shared by the court, the legislature and the governor. The California Lawyers Association, meanwhile, is a separate voluntary non-profit association that operates bar sections, as well as numerous programs to promote excellence, equity and fairness in the administration of justice.

The Board of Governors remains committed to a unified model. The OSB — and more than 30 other jurisdictions operating under this model — have long held that the public obligation of the legal profession goes well beyond adherence to ethics rules.
and includes work to improve the quality of legal services, improve the administration of justice, and advance a fair and accessible justice system. These are all key elements of the OSB mission. Keller v. State Bar of California remains the prevailing case law upholding the legality of the unified bar model.

I and your Board of Governors will continue to keep you apprised of new developments in the federal litigation, as well as the work that lawyers across the state continue to do to serve and support the people of Oregon.

Finally, I would be remiss if I did not express the board’s tremendous gratitude for the esteemed legal team representing the OSB pro bono in this litigation: Steven Wilker and Paul Balmer of Tonkon Torp, Elisa Dozono, Megan Houlihan of Stoll Berne, and the Hon. W. Michael Gillette of Schwabe Williamson & Wyatt PC. The skill and dedication of this team is unmatched, and it is hard to overstate our thanks.

David Wade is the president of the Oregon State Bar. Reach him at dwade@osbar.org.

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Our Editorial Policy

All articles published in the Bulletin must be germane to the law, lawyers, the practice of law, the courts and judicial system, legal education or the Oregon State Bar. All opinions, statements and conclusions expressed in submitted articles appearing in the Bulletin are those of the author(s) and not of the editor, other editorial staff, employees of the Oregon State Bar, or members of the Board of Governors.

Publication of any article is not to be deemed an endorsement of the opinions, statements and conclusions expressed by the author(s). Publication of an advertisement is not an endorsement of that product or service.

Any content attributed to the Oregon State Bar or the Board of Governors is labeled with an OSB logo at the top of the page or within advertising to indicate its source or attribution.
How to Make Your Imperfection the Key to Your Success

Learning from Mistakes

By Hon. Katherine Tennyson

All three familiar phrases have one central point: We start with the basics and build from there. Although we all think perfection is attainable, it is utter folly to assume that anyone has a mistake-free legal career. Like any other skill, knowing what to do in the big moments largely depends upon building positive habits throughout all the little moments that led up to them.

This is not to say that a lawyer should strive to make mistakes to practice correcting them. That ridiculous advice would add needless anxiety to an already stressful profession. The point is, building an expert skillset isn’t an abstract evolution. It isn’t something you can learn just from books or from watching others do what they do. To become an accomplished lawyer, capable of shining when the chips are down, you must accept that your learning process will unfold over time and embrace the fact that an unavoidable part of learning is making mistakes. Instead of allowing mistakes to undermine your self-image, use them as an opportunity to figure out a better plan for what to do next time, and then follow that plan to greatness.

Law practice and law school are so different that any commonality between the two life experiences is virtually unrecognizable. So much of the practice of law involves fundamental skills covered only briefly or not at all in law school classes. A partial list of talents that law schools underemphasize includes: mastering the art of having hard conversations; reconciling high expectations of ourselves with the realities of life that demand compromise; and balancing the need to project confidence with the necessity of retaining humility. These skills require practice and only develop through trial and error, self-examination, and the guidance of a skilled and patient mentor. Remember, the practice of law is a complicated job with many moving parts. Asking for help is not a sign of weakness, it is a sign you are serious about doing your job well.

How to Have Hard Conversations
(Lawyering is Objectively Personal)

Lawyers can say things in the mildest of tones that make you want to shriek and rend your clothes.

― From “E is for Evidence,” by Sue Grafton

The first place where things can go sideways is the attorney-client relationship. Generally, this arises from a fundamental failure to communicate. Whether the topic is expectations, process or cost, the result is the same. It is difficult to work for difficult people in difficult situations.

A lawyer’s principal job is to help people who are untrained in the law understand the law so that they can make informed decisions about strategy in their own case. The same explanation does not work for every client. Through experience with many client interactions, each of us can develop the ability to effectively and efficiently talk with a client about their legal choices and potential results.

Getting comfortable with this skill means maintaining objectivity while wading into a client’s thought process and learning private things that may be wildly uncomfortable for the person to reveal. Many times I have thought: “Wait, I’m just a short blond-headed kid from Colville, Washington — I don’t want to know this much about you.” But as lawyers, we do not
have the luxury of allowing personal boundaries to evolve in the way we would with treasured friendships. While most of us are emphatic about the duty to advocate zealously for our clients, we must also embrace RPC 2.1, which requires a lawyer to be an advisor as well as a legal tactician. That means we must explore all the other things that may weigh on a client’s mind that have nothing to do with the law, but everything to do with the values or life pressures driving their decisions in the legal matter. If we do not know those things, we will not know how best to help them understand their legal choices.

Furthermore, we will not understand decisions made by them that seem so obviously not in their best self-interest. The inevitable frustration can lead to poor attorney practice. No lawyer gets this right every time. It takes continual honest self-reflection about your own performance, as well as ongoing conversations with other lawyers or judges who you perceive can do it well, to raise your capacity to achieve this high standard.

**Expectation vs. Reality**
(Confidence Includes Humility)

>You make mistakes. You try to learn from them, and when you don’t, it hurts even more.

— Aretha Franklin

Scratch the surface of any legal role model you admire and you will invariably find that every one has a story about the time they missed a court appearance. I am no exception. One day I was working away at my desk when my assistant announced: “The judge is on the line wondering where you are for the hearing that started 10 minutes ago.” I still remember the feeling in the pit of my stomach.

What helps most in such situations is a combination of an established reputation for diligence and a willingness to take responsibility for mistakes. The first part of that combination takes personal effort and discipline over time. Are you reliably where you are supposed to be, when you are supposed to be there, ready to do what you are supposed to do when you get there? Developing work habits that allow you to adhere to this simple equation will reap benefits on the few occasions when life’s circumstances get in the way of your job performance. It certainly saved me in the example I just confessed.
As an Oregon lawyer, you are a mandatory reporter under ORS 419B.005 et seq.

A child is anyone under the age of 18.

- You must report whenever you have reasonable cause to believe that:
  1) a child with whom you have come in contact has been abused, or
  2) a person with whom you have come in contact has abused a child.

- You do not need to report if:
  1) the information is based on a communication that is privileged;
  2) the information was communicated in the course of representing a client, and disclosure would be detrimental to the client; or
  3) the information was acquired from a report of child abuse, and you reasonably believe that the information already is known to law enforcement or DHS.

When to report
(see ORS 419B.005 for details):

**Physical Abuse.**Bruises, welts, burns, cuts, broken bones, sprains, bites, etc., that are deliberately inflicted. Any injury that does not match the explanation given for it.

**Mental Cruelty.**Speech or sleep disorders, failure to grow; victims may be overly aggressive or withdrawn and may show an abnormal need for emotional support.

**Sexual Abuse or Exploitation.**Victims may have difficulty walking or sitting, pain in the genital area, and torn or stained clothing. They may have poor peer relationships; fantastical or infantile behavior; fear of being left with someone; inappropriate interest in, knowledge of, or acting out of sexual matters; or any of the symptoms listed under Mental Cruelty.

**Neglect or Maltreatment.**Children often don’t want to leave school, are constantly tired, are left alone without supervision, and have unmet physical, emotional or medical needs.

**Threat of Harm.**Subjecting a child to a substantial risk of harm. Children may exhibit any of the behavioral symptoms listed above.

**Child Selling.**Buying, selling or trading for legal or physical custody of a child.

**Drug Exposure.**Child present in a place where methamphetamines are manufactured; unlawful exposure to any controlled substance that puts the child’s health or safety at risk.

A report of child abuse must be made immediately and orally, by telephone or otherwise.

**How and where to report:**
- Use the statewide hotline at the bottom of this page, or
- Report to the local office of the Oregon Department of Human Services, or
- Report to a law enforcement agency in the county where you are located at the time.

**What to report (if possible):**
- Names and addresses of the child and parent
- Age of the child
- Type and extent of the abuse, as well as any previous evidence of abuse
- The explanation given for the abuse
- Any other information that will help establish the cause of abuse or identify the abuser

Failure to report is a Class A violation.

A person who has reasonable grounds to make a report and does so in good faith is immune from civil or criminal liability for the making or content of the report.

Reports of child abuse are confidential, except as otherwise provided in ORS 419B.035.

The Statewide Telephone Number to Report Suspected Abuse, or for Further Information, is 1-855-503-SAFE (7233)
As chief probate judge for Multnomah County for a decade, it seemed I heard every conceivable excuse about why something didn’t happen on time, or at all. Excuses ranged from blaming others (most often a legal assistant — who was sometimes dragged to court to look ashamed) to righteous indignation that one court (mine) required strict adherence to statutory mandates that all other courts ignored. All excuses were wholly ineffective (and sometimes verifiably untrue, but those are stories for another day). However, a lawyer willing to say, “I did not get this on my calendar, and here is what we’re doing in my office to ensure that this mistake never happens again,” was always instantly forgiven. Not only that, such humility and directness conveyed the message that integrity mattered to that lawyer, and made a lasting positive impression. When a lawyer took responsibility for a shortcoming, it relieved me of the burden of giving a lecture or imposing a sanction — because it reassured me that the lawyer’s priorities were in the right place, despite the momentary lapse. This honest and direct approach is vital to building the skills necessary to evoke grace from others when you falter rather than becoming memorable for all the wrong reasons.

The Best Way Through Is with a Mentor’s Help

If you stay ready, you ain’t gotta get ready, and that is how I run my life.

— Will Smith

There so many other basic, immensely useful things to know. Look underneath every big mistake and it is likely that you will find a cascade of little mistakes that mushroomed. Little mistakes generally are fixable, but not if you are dishonest with yourself or others about your own performance or refuse to acknowledge that the error even exists. But it can be difficult to self-reflect all the time. You need a human mirror, a confidant and a guide through the pitfalls along the way to becoming a truly great lawyer.

Some young lawyers are sure they can do it all by themselves. But choosing to go it alone for your journey through the law can have dire results. If you reach a point where you are looking for a way out because you’ve taken client money, don’t bother. There isn’t one. There are certain things you cannot come back from in the legal profession. These mistakes, however, are usually
The Bulletin is always on the lookout for quality manuscripts for publication on these pages.

We publish articles on a wide variety of subjects and favor such topics as access to justice, legal funding, judicial independence, diversity in the profession, professionalism and future trends. We also publish columns on ethics, practice tips (in specific areas of law), law practice management and legal history, as well as essays on law and life.

The editorial staff welcomes inquiries and is happy to discuss requirements for publication. If you have a manuscript, suggestion or idea, contact Editor Michael Austin at (503) 431-6340. He can also be reached by email at editor@osbar.org.

Hon. Katherine Tennyson retired from the circuit court bench in June 2019 and now divides her attention among many activities including mediating, dog walking and gardening. A special thanks to Judge Susie Norby for her assistance in completing this article.

Be an Author
THINGS THAT CHANGED MY LIFE.
Volunteering on Mondays.
Learning piano.
Losing Dad.
Giving in his memory.

Meals on Wheels
mealsonwheelspeople.org

Kell, Alterman & Runstein, L.L.P.
Attorneys at Law

Congratulations to
Jay K. Griffith on becoming our partner!

Jay will continue serving clients with his expertise in environmental and natural resources law, mergers and acquisitions, and business litigation.

Kell, Alterman & Runstein, L.L.P. provides regional and national clients with premier representation in all aspects of law, including estate planning, corporate law, environmental law, family issues and litigation.

www.kelrun.com  503.222.3531
Thrusted into the work-from-home (also known online as “WFH”) environment, many lawyers scrambled to learn the technologies that would allow them to continue their practice of law during the pandemic. Finding solutions to continue taking client meetings, albeit virtually, became a priority. The pandemic way of life was new to all businesses, law firms included. The ability to continue to interact with clients was a must.

From the outset, Zoom dominated the video conferencing market. Over the past year, the software has grown in popularity and usage. According to Zoom, there are more than 300 million daily participants — up from just 10 million at the start of 2020. As popular as Zoom is, that doesn’t mean it’s the only possible solution for your firm. There are other video conferencing providers to evaluate, including one that law firms may already be paying for: Microsoft Teams.

Microsoft Teams is a communication and collaboration platform developed by Microsoft that replaced the now-retired Skype for Business. It is offered as part of the Microsoft 365 subscription service. Often thought of as a Slack alternative, Teams is much more, offering workspace chat rooms, video conferencing and file storage/sharing.

A free version of Teams is available for users who don’t have a Microsoft 365 subscription, but it comes with some usage limitations such as a participant capacity of up to 100 users and a maximum meeting length of 60 minutes. These limitations don’t exist with the Business Basic, Business Standard or E3 subscription levels.

Features Explained

Microsoft Teams offers a variety of features and is more than just a video conferencing solution. Teams allows users to message one another through chat with the ability to format text, send emojis and share files. It supports both one-on-one as well as group chats.

Using Teams, attorneys can hold one-on-one audio or video meetings, which can be quickly started from the chat window, contact card, Outlook or Teams app. It’s as simple as typing the name within the search box and selecting the type of call you want to make (video or audio-only).

Teams allows administrators to create a “Team,” which is a group set up for a common purpose that users, such as your employees, can join. Within the Team, administrators can create separate channels to allow members to communicate without the use of email or group texting. You can have separate channels, for example, one for all employees and one for firm management. Channels can be set up as standard or private. Private channels are only accessible to the private-channel members and should be used when creating a channel around specific team roles or for attorneys working on an individual legal matter. All users of the Team can view the contents of a standard channel, which can be used to post updates to company events, news, meetings or policies for all employees to see — like a “Wiki.”

Virtual meetings can be scheduled or created ad hoc. Users of a channel can see that a meeting is in progress and join. There is also a plugin for Microsoft Outlook that can be used to invite others into a Teams meeting. Video conferencing is included and supports the ability for users to call into the meeting, rather than having to join through the Teams app. Users who don’t already have Teams installed have the option to join through their internet browser as well.

Administrators can add company branding to a meeting, including to the
meeting waiting room or lobby. The lobby is a place to stage participants before they join the actual meeting. The host has granular control to allow specific individuals to enter the meeting from the lobby. Teams now supports live captions, improving accessibility for all users.

Like Zoom, Teams allows meeting attendees to share their screen as well as to use the Whiteboard, providing the ability to write, draw or sketch on the Whiteboard collaboratively.

For those firms looking to host webinars, Microsoft’s Advanced Communications plan can be added to your Microsoft 365 subscription, allowing users to host meetings with up to 10,000 participants in “view only” mode — reported to be increased to 20,000 users by the end of 2021. Admins can host interactive webinars for up to 1,000 users — if the attendance goes over this limit, Teams will switch over to a presentation-only mode, a good deal if you’re currently paying for GoToWebinar or a similar webinar hosting provider.

Microsoft has introduced Teams Calling, a cloud-based phone system. Again, the idea is to stay connected with your contacts through Teams, while working from home or shifting to part-home, part-office. For most lawyers, Teams Calling will be an additional monthly cost as the majority of firms don’t subscribe to the E5 product, which includes it for free. Users who don’t pay for Team Calling must rely on their computer audio connection and will have very limited telephone dial options. Frankly, the telephone dial limitations are a huge reason for pushback from clients using Teams.

Security

For a while now, privacy and security features have been lacking in Microsoft Teams. Only recently has Microsoft started to update the cybersecurity protections implemented by the Teams application.

End-to-end encryption is available for one-on-one ad hoc Voice-over-Internet Protocol (VoIP) calls. The data encryption will only be available to paying subscribers, and can only be used if both the caller and receiver have enabled the feature and opted in. Zoom introduced end-to-end encryption last year, so Microsoft is only now starting to play catch-up when it comes to security. For those meetings with more than one participant, end-to-end encryption is coming later and no exact time frame has been given.

Some additional security features within Teams are worth noting: hosts can now disable an attendee’s video camera if needed and are provided with conferencing controls that can prevent other users from joining a meeting.

Microsoft Teams also supports Multi-Geo Capabilities, which gives firms with offices in more than one geographical location the ability to choose the location of data centers used to store their information. Microsoft will also be implementing a click-safe link feature that brings URL scanning and “time-of-click” verification of URLs in meeting links shared through email messages to prevent phishing attempts.

Final Thoughts

The adaptation to the current work environment was difficult for most firms. Many users have found it hard to stay as productive working remotely as when they were in the office. Some have become more productive, taking advantage of new technologies and the time added to their day by the lack of a commute to work.

Keeping in touch with clients has become the top priority to maintain and nurture existing and new relationships. Video conferencing apps have opened up a virtual door to staying connected with firm members as well as clients, and the Microsoft Teams app provides another solid option when evaluating these solutions.

While Microsoft Teams may not be the most widely used video conferencing option, it holds up when comparing its features against Zoom. It even offers some collaboration features which Zoom does not have. Best of all, you may already have access to the software at no additional cost through your firm’s Microsoft 365 subscription.

Michael C. Maschke is the CEO and director of cybersecurity and digital forensics of Sensei Enterprises Inc. Sharon D. Nelson is a practicing attorney and president of Sensei Enterprises Inc. John W. Simek is vice president of Sensei Enterprises Inc. Together, they provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm. Learn more online at senseient.com.
The three-volume revision of Family Law in Oregon includes 2021 legislation, and new chapters on third-party rights and DHS and juvenile law for family law attorneys. Many forms have been updated. This essential resource covers the basics on spousal support, child support, child custody and parenting time, property division, family law procedures, domestic violence issues, adoption, change of identity, and much more. Includes over 100 forms and appendices. Available in print or eBook (PDF) download.

Preorder by Sept. 30 and save 10% with code FAMILY2021

Family Law Section members will automatically receive an additional 10% discount.

This fully integrated new edition summarizes Disciplinary Board Reporter cases issued through 2020 for each rule violated, includes summaries of new Oregon Formal Ethics Opinions approved through 2020, and incorporates the text of the most current version of the Oregon Rules of Professional Conduct. Available for purchase now in print or eBook (PDF) download.

CLE Seminars

Discovery Beyond Email — Your Future Headache
Thursday, Sept. 16, Noon-1 p.m. PDT
CLE credit: 1 general
DBE21

Modern communications tools can make collaboration easy. However, they can also be discoverable in litigation. Technology such as Slack, Microsoft Teams, Skype, and Jira, are often rich sources of valuable information. Attorneys Adam Starr and Dan Ciccco will discuss how to use this technology in discovery including how to identify, extract, review and use this information in court, and how to avoid spoliation.

Broadbrush Taxation: Tax Law for the Non-Tax Lawyer
Thursday, Oct. 21
9 a.m.-4 p.m. PDT
CLE credit: 5.25 general
BBT21

Taxes affect everyone—but not everyone knows tax law. Tailored for attorneys without a tax background, this program provides a wealth of information to help spot common tax issues before they become tax problems. Co-sponsored by the Taxation Section.

Save the dates for these Upcoming Seminars

The Art of Elder Law: A Broad Brushstroke Overview
Friday, Oct. 1

Emerging Legal Issues Related to Technology
Friday, Oct. 8

2021 Environmental & Natural Resources Law: Year in Review
Thursday, Oct. 14

Getting Better Results with Mediation and Arbitration in Oregon: Mediation and Arbitration in Construction-Related Disputes
Wednesday, Oct. 20

Indian Law Series

Full Faith and Credit (SB 183) and Biden Administration Update
Wednesday, Sept. 22

The Cannabis Industry as Related to Tribes
Wednesday, Oct. 6

R. v. Desautel: Canadian Supreme Court Recognizes Sinixt Hunting Rights in British Columbia
Wednesday, Oct. 13
Legal Publications

Family Law in Oregon
2021 Edition

The three-volume revision of *Family Law in Oregon* includes 2021 legislation, and new chapters on third-party rights and DHS and juvenile law for family law attorneys. Many forms have been updated. This essential resource covers the basics on spousal support, child support, child custody and parenting time, property division, family law procedures, domestic violence issues, adoption, change of identity, and much more. Includes over 100 forms and appendices. Available in print or eBook (PDF) download.

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Oregon Rules of Professional Conduct Annotated
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Pre/order all OSB publications and eBooks and view the full catalog at [www.osbar.org/publications](http://www.osbar.org/publications) or contact the order desk for help: (503) 431-6413 or cle@osbar.org
New MCLE Rule for Lawyers Admitted by Reciprocity

New lawyers admitted by reciprocity who have practiced for three consecutive years in another jurisdiction prior to admission in Oregon now will go directly into a three-year MCLE reporting cycle. This is a change to the short reporting cycle for most new bar members. The rule amendment is effective starting Jan. 1, 2022.

PLF Welcomes New CEO Megan Livermore

Megan Livermore became the new chief executive officer for the Professional Liability Fund on July 1, 2021. Livermore has been a business and real estate attorney in Oregon for more than 15 years with a majority of her legal career spent at two Eugene law firms. Her background includes entrepreneurial experience, as well as legal clerkships.

Volunteer Opportunities Abound For OSB Members

The Board of Governors is looking for members interested in volunteering with the Oregon State Bar. Opportunities for involvement vary widely from mentoring a new lawyer, participating on a committee or serving as bar counsel.

Volunteering with the bar through one of the 35 different boards, committees or task-oriented positions is a great way to network, develop leadership skills, strengthen the profession and give back to the community.

This November, the Board of Governors will appoint more than 250 members for terms beginning Jan. 1, 2022. For consideration, please apply by Tuesday, Sept. 14, through the online survey at http://www.osbar.org/volunteer/volunteeropportunities.html. Every attempt will be made to place each applicant in a volunteer position. Direct questions regarding volunteer opportunities to Karla Houtary at khoutary@osbar.org or (503) 431-6367.

Jennifer Harrington Joins OAAP as Attorney Counselor

Jennifer Harrington has been hired as an attorney counselor at the Oregon Attorney

Assistance Program (OAAP). Harrington has practiced law for more than 30 years, as a juvenile lawyer and as an attorney specializing in representing clients in mental health court and involuntary commitment cases. She has worked as a counselor/therapist with individuals, couples and groups.

**Learning the Ropes Set for Nov. 17-19**

The Professional Liability Fund is set to present its annual practical skills seminar (Learning the Ropes) Nov. 17-19 for new admittees to the Oregon State Bar and lawyers entering private practice in Oregon. Registration information will be available this month.

**New Resources Available at PLF Website**

The following resources are now available at the PLF website, osbplf.org:

- CLE: Malpractice Risks in Residential Landlord-Tenant Law
- Toolkit: “Working Remotely”
- Toolkit: “I Think I Made a Mistake!”
- *in*Practice blog post: “PLF CLE on Malpractice Risks in Bankruptcy – The Takeaway”
- *in*Practice blog post: “Don’t Wait Until the Last Minute to File and Serve Your Complaint”
- Thriving Today blog post: “Move Over Gratitude: It’s Time to Try Delight *insight* newsletter” (June 2021 issue)

**Have an Item for the Bulletin?**

The Bulletin welcomes short items about Oregon lawyers and law firms for the Bar People pages of the magazine. Notices are published at no cost.

Email notices to: editor@osbar.org

Submissions are subject to editing and published in the order received.

The Bulletin publishes photographs (single headshots only) in “Moves” and “Among Ourselves” and “In Memoriam.” The fee is $20 for each photograph. The notice itself is free.

Paid professional announcements are also available. Inquire at advertising@osbar.org.

Questions? Call the Bulletin, (503) 431-6356 or (800) 452-8260, ext. 356.
Discipline

Note: More than 15,000 people are eligible to practice law in Oregon. Some of them share the same name or similar names. All discipline reports should be read carefully for names, addresses and bar numbers.

LANCE R. CLARK
OSB #032894
Milwaukie
180-day suspension, 90 days stayed, two-year probation

Effective June 18, 2021, the disciplinary board approved a stipulation to discipline and suspended Lance R. Clark for 180 days, with 90 days stayed, pending successful completion of a two-year probation for violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (failure to keep his client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.4(b) (failure to explain a matter to his client as reasonably necessary to permit the client to make informed decisions regarding the representation) and RPC 8.4(a)(3) (material misrepresentations by omission).

Clark neglected one adoption matter, actively avoided responding to his client, and omitted informing her when her case had been dismissed for lack of service. The client’s adoption matter was not completed until January 2019, although Clark handled the matter for six years. In a second matter, Clark neglected his client’s legal malpractice suit for substantial periods of time over three years. He did not respond to his client’s communications and omitted informing him when his case had been dismissed for lack of prosecution. In both matters, Clark intentionally delayed communicating case updates to his clients until he had positive developments to report.

In each of the two matters, Clark admitted to violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (failure to keep his client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.4(b) (failure to explain a matter to his client as reasonably necessary to permit the client to make informed decisions regarding the representation), and RPC 8.4(a)(3) (material misrepresentations by omission).

The stipulation recited that Clark’s conduct was aggravated by a pattern of misconduct, multiple offenses and his substantial experience. It was mitigated by his lack of disciplinary record, personal or emotional problems, restitution to his adoption client, cooperative attitude toward disciplinary proceedings and remorse.

MARK COLEMAN
OSB #073526
Wilsonville
Public reprimand

Effective June 29, 2021, the disciplinary board approved a stipulation for discipline and reprimanded Wilsonville attorney Mark Coleman for violation of RPC 1.3 (duty of diligence) and RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information).

In 2016, a client hired Coleman to assist her with a Chapter 13 bankruptcy proceeding. In January 2018, the client sent Coleman her 2016 tax return. Coleman did not provide it to the bankruptcy trustee until March 2018, after being prompted to do so by receipt of the trustee’s motion to dismiss for failure to provide the 2016 return.

In January 2019, the client sent Coleman her 2017 tax return. In May 2019, the client sent Coleman her 2018 tax return and further correspondence regarding her 2017 return. In August 2019, the bankruptcy trustee filed a motion to dismiss for failure to provide the 2017 return. Coleman provided his client’s 2017 and 2018 tax returns in September 2019, after being prompted to do so by the bankruptcy trustee’s motion to dismiss. The client and Coleman communicated in May 2019. The client requested information from Coleman in July 2019 and August 2019, but he did not respond.

In September 2019, the client asked Coleman about her final payment plan. Coleman accessed her case records, but did not recall informing his client that he had done so or reporting what he had found. In December 2019, Coleman contacted the bankruptcy trustee and reported to his client what he had learned.

In April 2020, Coleman filed a motion to withdraw from the bankruptcy matter, but the court did not approve his withdrawal until December 2020. Coleman conceded that he did not provide the court with a proposed order until prompted to do so during the court’s investigation.

The stipulation recited that Coleman’s conduct was aggravated by multiple offenses and substantial experience in the practice of law. His conduct was mitigated by the absence of a prior disciplinary history, the absence of dishonest motive, and his full and free disclosure and cooperative attitude toward the disciplinary proceedings.

CLAUD A. INGRAM Jr.
OSB #610410
Eugene
Form B

Effective July 8, 2021, the Oregon Supreme Court accepted the Form B resignation of former Eugene attorney Claud A. Ingram Jr. At the time of his resignation, there was a formal disciplinary proceeding pending against Ingram alleging violations of RPC 1.15 1(a) (requiring lawyer to hold client funds separate from their own funds in lawyer trust account) and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice).

At the time of his resignation, Ingram had no current client files.
Among Ourselves

Tom Marshall, an associate in Troutman Pepper’s renewable energy and capital projects and infrastructure practice groups, has been elected to serve on the board of directors of the Multnomah Bar Association (MBA) Young Lawyers Section (YLS). An active member of the MBA and YLS since 2016, Marshall will serve on the board during the 2021-2024 term. The YLS provides qualifying MBA members with leadership, networking, professional development and service opportunities.

Damien R. Hall, chair of Ball Janik’s land use and real estate group and the affordable housing and community development group, has been appointed to the Urban Land Institute Northwest Diversity, Equity & Inclusion Taskforce, to help address systemic racism in the real estate profession. The taskforce’s mission is to blaze a new trail for diversity, equity and inclusion in real estate that breaks down institutional barriers to entry and advancement for Black, Indigenous and People of Color.

Karnopp Petersen has announced the launch of a new donor-advised campaign fund with the Oregon Community Foundation to benefit the Confederated Tribes of Warm Springs. Since 1955, generations of Karnopp Petersen lawyers have provided legal services to the Confederated Tribes of Warm Springs, assisting in defending and enhancing its sovereignty, treaty-reserved rights and culture. The firm established the fund to optimize its charitable giving to the tribes and attract charitable capital from others who wish to help. The fund endeavors to invest in the people of the Confederated Tribes of Warm Springs to support their efforts to self-determine their future with a focus on education, leadership development and cultural protection and enhancement.

Jonathan Singer, a commercial real estate transactional attorney and shareholder at Barg Singer in Portland, has been elected chair-elect of the Oregon Jewish Community Foundation, which manages more than $110 million in charitable assets. Singer looks forward to continuing to support OJCF’s mission of building and promoting a culture of giving in Oregon and Southwest Washington that supports a thriving Jewish community now and for generations to come. Singer follows current and former OSB members Jeff Wolfstone, Roy Lambert and Steve Kantor who have held the position in past years.

Samuels Yoelin Kantor litigation attorney Darlene Pasieczny was appointed by the board of governors for the Financial Industry Regulatory Authority (FINRA) to serve on the 13-person National Arbitration and Mediation Committee. The NAMC advises FINRA on its national dispute-resolution program including FINRA arbitration rules and procedures. Pasieczny is the current chair of the OSB’s Securities Regulation Section and also serves on the board of directors for the Public Investors Advocate Bar Association (PIABA).

The JAMS Foundation honored Jay Folberg for his service as board chair and for having been a founding member two decades ago of the nonprofit alternative dispute resolution (ADR) grant-making organization and heading it the past eight years. Folberg, a San Francisco-based mediator, will continue to serve on the board through May 2022. The foundation, which provides financial assistance for nonprofit conflict resolution initiatives of national and international impact, has provided more than $10 million in grant funding since its inception.

Perkins Coie is working with Albina Vision Trust (AVT) in Portland to help restore the historic cultural hub of the city’s Black community. The Albina neighborhood was an important center of Black life and culture in northeast Portland for decades, but in the late 1950s and 1960s the neighborhood was razed and replaced by what is now the Rose Quarter. As part of the partnership, Perkins Coie has helped negotiate an agreement for AVT to gain the “right of first offer” for purchase of the current Portland Public School headquarters building in the former Lower Albina neighborhood.

Miller Nash attorney Shanelle Honda was recently elected to serve as secretary on the Oregon Minority Lawyers Association (OMLA) board of directors. OMLA is committed to developing a legal community in Oregon that provides a welcoming environment where people of all colors, races and ethnic backgrounds can excel academically, professionally and personally. Honda is a commercial litigator whose practice focuses on business litigation, including insurance coverage, contract disputes, and fiduciary liability, trade secret, and employment disputes.

Tonkon Torp partner James Hein has been honored by the Portland Business Journal as one of its 2021 Forty Under 40 award recipients. The annual award recognizes influential business and community...
leaders in the greater Portland area who are 40 or younger. Judging is based on career accomplishments, business influence and leadership, and community and civic involvement. Hein was honored with the Pro Bono Award of Merit by the Multnomah Bar Association in October 2020. He also has provided hundreds of hours of pro bono legal counsel volunteering for the Oregon Law Center, Legal Aid Roseburg Virtual Clinic and the Lewis & Clark Small Business Legal Clinic. Hein serves on the boards for Minds Matter of Portland, Transition Projects and Montessori Children’s House.

The Oregon Criminal Defense Lawyers Association has elected new officers for the 2021-22 membership year. They include: Stacey Reding of Multnomah Defenders of Portland as president; Brook Reinhard of Public Defense Service of Lane County in Eugene as vice president; and Stacy Du Close of Office of Public Defense Services in Salem as secretary.

Tonkon Torp attorney Danica Hibpshman has been elected to the board of the Oregon Cannabis Association. Hibpshman, who was recently named co-chair of Tonkon Torp’s Cannabis Industry Group, is an active proponent for a streamlined policy environment that supports growth for Oregon’s cannabis industry. Hibpshman works with cannabis entrepreneurs and companies of all sizes and at all life cycle stages to identify strategies and solutions, and to navigate Oregon’s cannabis regulations.

Joe Arellano, principal and managing director of Foster Garvey’s Portland office, has been named a trustee of the Foundation of the American College of Trial Lawyers (ACTL) for a three-year term. In his role as trustee, Arellano will help review the foundation’s spending policy and participate in the evaluation of grant applications. He has been
an ACTL fellow since 2009 and previously served as chair of ACTL’s Attorney-Client Relationships Committee and Oregon State Committee.

Miller Nash business attorney Eric Robertson recently was elected to serve on the board of directors of Serendipity Center Inc. Serendipity is a nonprofit therapeutic school serving at-risk students with complex needs. Serendipity aims to provide the best environment for students to heal and become educated and productive community members. Miller Nash has a deep history of supporting Serendipity and its mission through board service, pro bono work and charitable giving.

Leonard D. DuBoff and Christy A. King, both of The DuBoff Law Group, have announced that the second edition of The Law (in Plain English) for Restaurants: A Guide for the Food and Beverage Industry will be published by Allworth Press in September.

Miller Nash attorney Iván Resendiz Gutiérrez has been named to the “Forty Under 40” list by the Portland Business Journal. Each year, the Portland Business Journal receives almost 300 nominations for the Forty Under 40 recognition. The resulting list of 40 honorees represents the region’s most influential professionals and is based on business contributions, civic involvement and commitment to improving the world.

For 40 years, Gevirtz Menashe family law and estate planning has supported families through life’s most pivotal transitions. The firm has announced the addition of adoption law and family planning to its practice. This expansion comes in response to the growing needs of individuals looking to expand their families through a variety of avenues, including the areas of adoption, surrogacy and artificial reproductive technology.
Moves

Ben Pirie has joined Miller Nash in the firm’s Portland office. Pirie joins the firm’s leading cannabis industry team, assisting cannabis businesses throughout the Pacific Northwest on a wide range of corporate and regulatory needs. Pirie advises on mergers and acquisitions, negotiating complex contracts and corporate governance, as well as regulatory compliance in the emerging cannabis and hemp industries.

Garrett Ledgerwood has been promoted to partner at Miller Nash. He is based in the Portland office and licensed to practice in Oregon, Washington and New York. He joined the firm in 2020 as senior counsel and is the team leader for the firm’s bankruptcy and creditors’ rights practice group. He has extensive experience in representing lenders and creditors in bankruptcy, collection actions, loan modifications and workouts, foreclosures and receiverships, as well as borrowers in a variety of financing transactions.

Katie C. Goss has been named a shareholder of Gevurtz Nash. Goss has more than a decade of experience in family law and joined the firm in May 2014. She will continue her practice handling relationship agreements, divorce, custody/parenting time, child support, contempt and modifications for clients with legal matters in Oregon.

Three attorneys with the Law Offices of Nay & Friedenberg have become partners. Garvin Reiter joined the firm in 2001. Reiter assists his clients with elder law and Medicaid planning.
matters. His practice also focuses on estate planning, special needs planning and probate. Shannon Conley started with the firm in 2013. Conley’s practice focuses on injury settlement services, estate planning, guardianships and conservatorships, probate, elder law and Medicaid planning.

Brett Callahan started with the firm in 2013. His practice focuses on probate, guardianship and conservatorships, as well as estate planning and elder law matters.

Ben Veralrud has joined the Portland office of Lewis Brisbois as a partner in its general liability practice. Veralrud will focus on defending individuals and businesses in a variety of matters including catastrophic bodily injury claims, professional liability and commercial litigation. He also has experience in handling transactional matters in the business, insurance coverage and construction arenas.

Sara Sayles joins Schwabe, Williamson & Wyatt’s Portland office and real estate and construction group. Sayles is an accomplished real estate transactional attorney with a diverse set of skills and experience working in multiple jurisdictions. She advises developers, landowners and landlords on land use matters, commercial leases, property sales and community association matters. Her industry knowledge extends to preparing, reviewing and negotiating real estate documents and contracts.

Elliott, Ostrander & Preston has added two attorneys as part of the firm’s new affordable housing development and financing practice group. Paul Dagle is an experienced attorney who has worked on low-income housing project development
Legal Malpractice?

Paul R. Rundle handles lawyer malpractice claims for plaintiffs in Oregon and Washington

- Former Deputy District Attorney
- Over 25 years of litigation experience
- Millions of dollars recovered for victims of lawyer malpractice
- Over 70 jury and bench trials in Oregon and Washington state and federal courts
- Large firm experience (associate & partner)
- Litigated several Oregon Supreme Court appeals, including unanimous reversal in client’s favor
- National top-ten law school

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since the inception of the federal low-income housing tax credit as a means of financing affordable housing. He represents nonprofit and private-sector developers of low-income and affordable housing, lenders and housing authorities. Gemma Wilson’s practice focuses on real estate, affordable housing and low-income housing tax credit transactions.

Hannah Hoffman has joined Portland business litigation firm Markowitz Herbold as an associate. She previously served as a Clackamas County deputy district attorney, where she managed 200 cases, tried five cases to verdict, prosecuted multiple civil commitment hearings before judges and argued on behalf of the state in dozens of contested probation and diversion hearings, sentencings and plea hearings. She also worked as an assistant attorney general with the Oregon Department of Justice’s Solicitor General’s Office.

Brian Epley recently joined Cable Huston as an associate attorney in its litigation department. He represents clients in various forms of commercial litigation, real estate litigation and environmental litigation. He also counsels clients on risk management strategies to avoid litigation.

Kyle Vinyard has joined Reynolds Defense Firm. His previous experience includes working as a deputy district attorney handling matters ranging from misdemeanors and felonies to complex property crimes and Measure
11 cases. The Reynolds Defense Firm, located in Portland, specializes exclusively on representing people facing DUI charges.

Bryce Parkllan has joined Miller Nash in the Portland office. Parkllan is part of the firm’s Pacific Northwest tax team, representing clients ranging from national companies to individuals and closely held businesses. He focuses his practice on international tax compliance for multinational businesses, investment funds and tax-exempt organizations operating in the United States and U.S. territories. He assists clients in structuring cross-border acquisitions, integrating legal entities and ensuring full utilization of U.S. federal tax incentives.

Jason M. Powell has joined Foster Garvey as principal in the firm’s business and corporate finance practice in Portland. He is a seasoned corporate, securities, and mergers and acquisitions attorney with extensive experience advising businesses, lenders, investors and startups across the United States in securities offerings and other financing transactions, mergers and acquisitions, and joint ventures. Powell is often needed to counsel startups and emerging companies on a broad range of issues throughout the business lifecycle.

Benjamin Cramer has joined Idaho Employment Lawyers after a 15-year career in higher education, including five years coordinating Title IX, Title VI equity compliance and ADA/504 support services as the dean of students at Concordia University School of Law. Through proactive policies and trainings, adequate internal resolution processes and effective legal defense, Cramer’s practice focuses on helping employers navigate the inherent challenges of an expanding and changing workforce.
In Memoriam

Noreen Kelly (Saltveit) McGraw, daughter of Judge Edward C. Kelly and Mary G. Kelly, died May 31, 2021. A pioneering woman trial attorney, she was born in Medford on March 7, 1932, and graduated from the University of Oregon in 1955 -- the only woman in her class. She married Carl Saltveit, of Portland, in 1960 and together they had four children.


McGraw started practicing law in Medford in a general litigation firm, and also served as Medford's first female municipal court judge. In 1960, she moved to Portland to become the first female trial attorney in the attorney general's office, trying workers' compensation cases. In 1966, she spent a year in Mexico with her family and became fluent in Spanish. In 1969, she took on the first federal class action lawsuit in Oregon on behalf of migrant farm workers (Moreno v. Tankersley, 1970). Soon afterward, she established the first public interest law firm in Oregon with colleagues Marmaduke, Aschenbrenner and Merten. She applied the skills and knowledge she gained through the Moreno case to several class action lawsuits she filed on behalf of minorities and women.

She shifted her law practice primarily to workers' compensation and personal injury cases in the 1980s, and then to the new area of alternative dispute resolution in the 1990s until her retirement in 2012.

She was the first woman lawyer to receive the Multnomah Bar Association's prestigious Professionalism Award (1995), the Douglas W. Daughtry Professionalism award (OSB Workers' Compensation Section, 1999) and the first woman in a law firm to receive the Oregon State Bar's highest honor -- the Award of Merit (1995). The University of Oregon School of Law conferred its Meritorious Service Award on her in 1996.

She was known as a loving mother, a compassionate friend, a fearless trial lawyer and a life-long, devout Catholic. She was preceded in death by her brothers Bernard Kelly, an attorney, and Dr. Edward James Kelly. She is survived by her four children: Mark Saltveit of Middlebury, Vermont; John Saltveit, and Mary Lang, of Portland; and Ted Saltveit, of Larkspur, California; and her five grandchildren.

Kurt F. Hansen of Portland passed away June 13, 2021, after a brief illness. He was born in San Francisco on Sept. 30, 1953. He graduated from Oregon State University in 1975 with a forest management and naval science degree. He then entered active duty with the U.S. Navy for four years. After his active duty was complete, he stayed in the Navy Reserve for the next 30 years, finally retiring as a captain.

Hansen initially joined a lumber firm in Anderson, California, before deciding to go to the University of Oregon School of Law. Before graduating from UO, he was hired as a law clerk by the Portland firm of Schwabe, Williamson & Wyatt. He stayed with Schwabe after graduation and spent his entire career with the firm, serving in several management positions and as general counsel to the firm.

During his time at Schwabe, he twice was called into active duty with the Navy during the Iraq War. During his final deployment, he was sent to Iraq for two years.

Hansen was preceded in death by his parents, Art and Ruth Hansen, and his second wife, Diana Hansen. He is survived by his wife, Gloria, as well as his brother and sister-in-law, Martin and Marie Hansen.

Jacob Rasmussen passed away June 21, 2021, after a difficult battle with cancer. He was 38.

Prior to his death, Rasmussen had worked for five years as a senior attorney with Smith Freed Eberhard. He worked closely with Josh Hayward defending personal and commercial injury matters. Rasmussen grew his skill set immensely and was a valued team member and mentor.

He graduated from The University of the Pacific — McGeorge School of Law. Before joining Smith Freed Eberhard, Rasmussen worked for a leading regional workers' compensation defense firm representing...
self-insured employers. Prior to relocating to Oregon, he was an associate at a California firm specializing in mortgage law.

Rasmussen was an avid traveler, reader and skier — he especially loved Spain and Ernest Hemingway. He participated in two half-marathons and was a member of the firm’s Hood to Coast team. Rasmussen loved attending firm happy hours and holiday parties — he jumped at any opportunity to socialize with the team. He was always excited to raft at the attorney retreats and didn’t shy away from “riding the bull” while raging down the Deschutes River. Rasmussen enjoyed giving back to his community and felt it was a duty of his to do so. He participated in the annual Habitat for Humanity event, which is run by one of SFE’s clients.

When he first became a father, Rasmussen explained how different his life was — he got very little sleep and had to think about every danger within his house. In the same breath, he exclaimed how excited he was to be a father and see his little girl grow up. He called Aven his greatest accomplishment along with marrying his beautiful wife, Kerry.

Other Notices
Leigh A. Hudson
51, Lake Oswego, July 1, 2021
Sean Edward Michael Moore
53, Seattle, May 21, 2021
Jeffery D. Herman
66, Santa Maria, California, March 3, 2021
Marsha R. Skudlarek
68, Eugene, Feb. 8, 2021

Aaron Johnson
Aaron joined the Gatti Law Firm after nearly a decade as a litigator for one of the largest automotive insurance companies in the U.S. He is an experienced trial attorney who specializes in representing individuals injured in motor vehicle collisions.

James Cleary
Prior to joining the Gatti Law Firm, James developed a specialization in personal injury cases with a focus on car accidents and wrongful death. During his first full year of practice, James won his clients over $1,000,000 in injury cases.
**FOR SALE**

**LAW LIBRARY, COMPLETE SET OREGON REPORTS** and Oregon Appellate Reports, plus six oak bookcases $3,500. (503) 650-8010.

**OFFICE SPACE**

**1400 SW MONTGOMERY STREET, PORTLAND** – Two offices and support staff space available. Close-in Goose Hollow neighborhood. Share space with lawyers and other professionals. Monthly rent $750-$850 includes parking. Contact Tammy at (503) 222-3526 or receptionist@gaylordeyerman.com.

**175 SQ/FT – Furnished Executive Office in Bend, OR** – Attorney sublease only. Furnished office in a bright, professional, executive office environment. $700/month includes: • 24/7 access • utilities (wi-fi, power, water, garbage) • exterior maintenance • shared use of kitchen facilities • shared use of conference room • common reception area • signage option (at your expense & must be approved by landlord) • free parking. For more information or to request photographs, call (541) 382-4404.

**4 DOWNTOWN PORTLAND/PRIVATE OFFICES** - 18x14 for $1,300 per month, 15x10 for $1,025, 13x12 for $1,000, and 12x11 for $1,000. per month, 15x10 for $1,025, 13x12 for $1,000.

**All-inclusive Office Space** – 2027 SE Jefferson St. 111 N. Post, Ste. 300, Spokane, WA 99201.

**OFFICE SPACE AVAILABLE PREMIER PORTLAND LOCATION** – 1000 SW Broadway, ninth floor, 742 total sq. ft. Two offices, a common area large enough for up to three support staff, private entry, separate suite number, and signage. Located on a floor with a fitness center and direct access to a parking garage. The building provides the use of a large conference room located on the ninth floor with a capacity of 42. You will also have use of our private conference room, reception area, break room, internet, and phone system. The building has seven levels of secured and monitored parking. We are located two blocks from Pioneer Square and near theaters, hotels, and restaurants. Internet and phones included. Available Now. Contact Chris Roy, at (503) 926-4653 or chrisroylawgroup.com.

**OFFICE SPACE – DOWNTOWN MILWAUKEE** - 2027 SE Jefferson St. Single private office space available on a modified gross lease. Second floor unit with separate entrance on a 24/7 secured access system. Quiet and friendly environment shared with medical and financial professionals. Free parking behind building or on the street. Walking distance to downtown shops and restaurants. For more information, contact Lauren Lancial at lancial@daywireless.com or (503) 794-3760.

**OFFICE SPACE - CLACKAMAS** - 1979 by professionals. Each suite is 620 square feet, three rooms, with private bathroom, storage. First floor public restrooms and conference room available in building. One-year lease, no NNN. Rents from $1500 to $2000 per month, including utilities except phone, internet (Cat 5 cable high speed). One designated off- street parking space behind building. Contact Warren West, 541-382-1955 or 541-788-4288, or email at wjw@warrenjohnwest.com.

**POSITIONS AVAILABLE**

*It is the policy of the Bulletin to only list opportunities for employment that are consistent with OSB Bylaw 10.*

**ASHLAND LAW FIRM SEEKS ATTORNEY** – Davis Hearn Anderson & Turner, PC (established 1953) is seeking an Oregon-licensed attorney to join our team. Experience in estate planning or domestic relations a plus. Please send resume and cover letter to chearn@davishearn.com with copy to eanderson@davishearn.com.

**ASSOCIATE ATTORNEY** – MB Law Group, LLP, a litigation boutique firm with an office in downtown Portland, seeks an associate attorney with somewhere between two to five years of litigation experience. The firm represents (as local and national counsel) BigLaw level clients in the fields of automotive and aviation product liability, commercial litigation, finance, construction, and general liability defense. All seven of the firm’s attorneys are rated as “Super Lawyers” by Thompson Reuters, and much of that is attributable to a positive and supportive culture that helps newer attorneys build litigation skills and develop new business. The candidate will have a unique opportunity to immediately jump in and play an active and important role on many high-profile cases. We strongly encourage diverse candidates to apply. We are looking for someone who is practical, motivated, and has a long-term vision for their legal career. Please submit your resume and a brief cover letter to Anita Darling at adarling@mblaw.com.

**ATTORNEY POSITION – SPOKANE PREEMINENT AV RATED,** Super Lawyers recognized litigation oriented law firm, seeks lawyer with strong law school credentials, with 1-3 years of relevant litigation experience and top communication, research, and writing skills. This is an excellent opportunity to affiliate with one of the Region’s most prestigious litigation firms. Please send resume Rick Wetmore at Dunn & Black P.S., 111 N. Post, Ste. 300, Spokane, WA.
BEND FIRM SEEKING BUSINESS & REAL ESTATE ATTORNEYS – The thriving Bend law firm of Lynch Conger LLP is seeking a 3-8 year associate with business, transactional, and litigation experience and a senior associate/partner level attorney with 10+ years of business transactions experience. Real estate transactions experience a plus. Headquartered in Bend with suburban Portland/Lake Oswego office. Location flexible. Competitive salary, benefits, and bonus structure. Submit resume and short cover letter or email to Office Manager Kaci Price at kprice@lynchconger.com.

BUSINESS/MUNICIPAL ASSOCIATE – Bend’s oldest law firm is seeking an associate attorney with 1-5 years of experience to work in its thriving business and municipal practice. Qualified candidates must have strong organizational skills, as well as the ability to work independently and as a team member. The ideal candidate will be a self-starter, have strong academic credentials, and outstanding writing and interpersonal skills. We offer competitive salary and benefits, and the opportunity to work on challenging projects in a collegial work environment. To apply, please submit cover letter, resume, and transcript with class rank to Laura Toftdahl, Bryant, Lovlien & Jarvis, 591 SW Milliview Way, Bend, OR 97702 or laura@biljlawyers.com.

CREDITORS’ RIGHTS ATTORNEY – EUGENE LAW FIRM – Hershner Hunter, LLP is the largest full-service business firm in Eugene, and is seeking an associate attorney to work in its creditors’ rights practice group. This is a partner-track position that will involve creditors’ rights work in Oregon, Washington, and Idaho. We are looking for candidates with two or more years of experience in creditors’ rights and large bankruptcy fields. Past experience representing financial institutions is preferred. Candidates should send materials to Nicholas Frost, at nfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer.

CRIMINAL DEFENSE AND JUVENILE ATTORNEY OPPORTUNITY IN CENTRAL OREGON – Well-established defense consortium in Jefferson County (Madras) Oregon. $15,000 per month, and it is required that practice will solely focus on this court-appointed caseload. Must have primary business office located in Madras. Attorney is responsible for their own expenses. Experienced Consortium members are available to provide advice and guidance as needed. Email Resume and Cover Letter to Jennifer F. Kimble at JenniferFKimble@aol.com.

ENVIRONMENTAL LAW & LITIGATION ASSOCIATE – Ring Bender LLP, an environmental, natural resources and litigation law firm, is seeking a mid-level associate. Our firm has offices in Oregon, California and Pennsylvania and our clients include private business as well as municipalities. Our ideal candidate will have four to six years of experience in environmental regulatory compliance counseling and litigation in the Pacific Northwest and California, at both the state and federal levels. The candidate should be enterprising and have a strong desire to become a leader in the field of environmental law. Due to COVID all Ring Bender team members are working remotely (except when in trial or for other essential tasks) but we expect to move toward reopening in late 2021/early 2022. The position will be based in Oregon but the associate will support our cases in California, Washington, Pennsylvania and potentially other locations so willingness to travel is a must. Our associates are given meaningful, hands-on legal work at every stage of their careers and will work directly with the firm’s other attorneys, clients and technical consultants on complex, unique and challenging environmental and natural resource issues. We are looking for candidates who are willing to work as an integral part of a high performing, collegial and collaborative team. Candidates should have the following qualifications: • J.D. from an ABA-accredited law school with excellent academic credentials; • Status as an active member in good standing of at least one state jurisdiction and willingness to obtain license in Oregon within 6 months of hire; • Strong analytical, research, writing and oral communication skills; • Organized, detailed, works well under deadline, creative thinker, multitasker, and has demonstrated the ability to assume significant client responsibilities; and • Experience with major environmental law statutes, such as the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund), as well as the California and Oregon equivalents of such statutes. Experience with real estate law, water rights law and land use law is not required but will be considered a plus. Competitive salary and benefits package. Qualified applicants are invited to submit a cover letter, resume, transcript, 3 references and a writing sample to Sarah Goodling Russell (Firm Administrator) at sgoodling@ringbenderlaw.com. Ring Bender is an equal opportunity employer. It is our policy to not discriminate against and to provide equal employment opportunity to all qualified persons, without regard to race, color, national origin, religion, gender, gender identity, sexual orientation, social or economic status, marital status, age, disability, and veteran status.

ESTABLISHED OREGON LAW FIRM seeking experienced attorney, at least 5 years. The position will initially cover all areas of law practiced by the firm, including business transactions and litigation, land use, trusts and estates and real estate. In addition the firm is expanding into several areas Environmental land trusts and conservation stewardship.Tax with regard to business transactions, entity formations and contested cases at the federal and state levels. Real estate especially the energy sector. Litigation have a passion for litigation and trial work, specializing in complex real estate transactions, collegial environment and opportunity for continued growth. Qualified applicants should submit a cover letter, resume, and 5-7 page writing sample. Membership in the Oregon State Bar Association or qualification for reciprocity is required. Equal Opportunity Employer committed to diversity in the workplace. We encourage all qualified individuals to apply. Send resume to the Oregon State Bar, Attn: Blind Ad J-20, P.O. Box 231935, Tigard, OR 97281 or email: blindad@osbar.org with the blind ad number in the subject line.

MCEWEN GISVOID LLP IS HIRING – We are looking for an attorney with 2-3 years of experience in civil litigation. Ideally the candidate has at least enough experience to handle smaller matters on their own and is looking for someone monitoring/coaching from the rest of the team. It is very important to us that candidates are positive and pleasant to work with and who are good with people. This is intended to be a long-term/career hire. We are a good fit for someone looking to downsize from a big firm or have more peer interaction than working solo. Salary will be dependent upon experience and includes a bonus compensation arrangement. All responses will be treated confidentially. No calls please. Please email resume and cover letter to hr@mglawpxd.com. Upon receipt of resumes, interviews will be scheduled.

OREGON COAST DEFENDERS, the indigent defense consortium for Lincoln County, is currently accepting applications from attorneys interested in providing contract indigent defense services for Lincoln County. We are seeking an attorney for a full time misdemeanor and felony case load. Applicants should have at least three years of criminal law experience. Please submit resume and cover letter to Oregon Coast Defenders, PO Box 102, Tidewater, Oregon 97390 or you can email the same to greco@pioneer.net.

REAL ESTATE / CORPORATE TRANSACTIONAL LAWYER – Oregon Law Group is a real estate and corporate finance transactional boutique, located in Portland, Oregon. OLG is looking to hire an associate attorney with one to four years’ experience handling sophisticated real estate and/or corporate finance transactions. The position will involve...
work in both areas of practice. Oregon bar license is preferable, but not required. Our real estate practice focuses on executing large, complex commercial real estate transactions. Our work regularly includes: ground-up multifamily and mixed-use development projects in all major West Coast markets; acquisition, financing and disposition of real estate assets; structuring sophisticated joint ventures and recapitalizations; and landlord-side commercial leasing. Most transactions include equity and debt financing from national and international institutional investors and involve complex capital, finance and tax structures. Our corporate practice includes private equity transactions, formation of REITs, mergers and acquisitions and general corporate counseling and contracts. Compensation and benefits are top-of-market. Our great team is fortunate to maintain an interesting high-caliber law high-end practice in a collegial small-firm environment. We have comfortable offices on the west side of Portland. We are currently working part-time from the office and part-time on a remote basis. Please email a cover letter and resume to admin@oregonlawgroup.com. No telephone calls or search firms please.

SOUTHERN OREGON LAW FIRM WITH FIVE ATTORNEYS, looking for a sixth attorney to focus mainly on Family Law issues, but to also practice in all areas of civil litigation, including: Collections, Foreclosures, Bankruptcy, Elder law, Guardianships, Conservatorships, Estate Planning, Probate, Real Estate, Landlord-Tenant Relations, Construction, and Business Law. Bar passage is required. Hours are 8:30-5 M-Th; 8:30-3 F. Two weeks paid vacation and 3% IRA match begin on first anniversary. We have an open-door policy and want to see this new attorney become part of our family and succeed in this community. Starting salary is $58,000. Initial salary is flexible based on experience. We give quarterly bonuses based on performance. Send resume, unofficial transcript and writing sample to: klgursoun@roguevalleylaw.com or to Sorenson, Ransom & Ferguson, LLP, c/o Kendall H. Ferguson, 133 NW “D” St., Grants Pass, OR 97526.

TRANSACTIONAL ATTORNEY – EUGENE LAW FIRM – Hershner Hunter, LLP, the largest full-service business firm in Eugene, is seeking a business transactions attorney to fill an associate position. The associate position is partner-track, working within the business transactions group on a variety of matters, including business acquisitions and sales, real estate, entity formation and corporate governance, as well as intellectual property and data privacy related matters. The ideal candidate will have two to five years of experience, with experience in health care transactions preferred. Candidates should send materials to Nicholas Frost, at nrfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer.

TRIBAL COURT ADMINISTRATOR – The Grand Ronde Tribal Court has an open position for a Tribal Court Administrator. This position requires a bachelor’s degree in Court Administration, management, public administration, business administration or a related field. This position also requires four (4) years of management experience, in legal office or Court Administration. For a full job description or to complete an application, please go to www.grandronde.org/employment and view the CTGR Employment Opportunities.

WELL-ESTABLISHED BEND FIRM is seeking an associate attorney with three or more years of substantive experience with estate planning, probate, trust administration and business law. The ideal candidate must have the ability to support other attorneys in the office and run their own cases while prioritizing workflow, and a team oriented attitude. Primarily remote. Please send cover letter, resume and writing sample to wendy@zimmer-law and salina@zimmer-law.com.

ESTABLISHED, SUCCESSFUL PORTLAND-AREA EMPLOYMENT LAW FIRM OPPORTUNITY (1126) with sustained success and profitability available in Portland, Oregon. Revenues for the firm show a YoY increase each of past two years despite challenges from the COVID-19 pandemic. Average gross revenues from 2018-2020 were more than $840,000, with a high of more than $970,000 in 2020. The firm has an established presence, a strong client referable base, and is well-respected in the Northwest legal community. Service by revenue breakdown is 75% Employment Litigation and 25% Employment & Labor. The owner is committed to providing transition support for the buyer. Call (253) 509-9224 to discuss this opportunity or email info@privatepracticetransitions.com, include “1126 / Established, Successful Portland-Area Employment Law Firm Employment Opportunity” in the subject line.

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Portland attorney Bill Fig met this giant elephant on a trip to Botswana. He says this picture taken from an 18-foot skiff in the middle of the Okavango Delta.

“The ‘back guard’ of the troop did a mock charge. The thing about a mock charge is you don’t know it’s a mock charge until they stop. Gets your attention when there’s nothing between you and it,” Fig describes. “I wish the photo captured the real-life experience. It makes the hair on your arms and back of your neck stand up.”

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